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DEBATES

—OF—

THE SENATE

—OF THE—

DOMINION OF CANADA,

1888.

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SECOND SESSION—SIXTH PARLIAMENT.

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THE DEBATES

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SECOND SESSION OF THE SIXTH PARLIAMENT OF THE DOMINION OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THURSDAY, THE TWENTY-THIRD DAY OF FEBRUARY, IN THE FIFTY-FIRST YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THE SENATE.

Ottawa, Thursday, February, 23rd, 1888.

THE SPEAKER took the chair at 2.30 p. m.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED.

THE SPEAKER presented to the House a return from the Clerk of the Crown in Chancery, setting forth that HIS EXCELLENCY THE GOVERNOR-GENERAL had summoned to the Senate :—

John Macdonald, of the City of Toronto, in the Province of Ontario.

The Honorable MR. MACDONALD was then introduced, and having taken and subscribed the oath of office, and made and subscribed the declaration of qualification required by the British North America Act, 1867, took his seat.

THE SPEECH FROM THE THRONE.

At Three o'clock HIS EXCELLENCY THE GOVERNOR GENERAL proceeded in state to the Senate Chamber, and took his seat upon the Throne. HIS EXCELLENCY was pleased to command the attendance of the House of Commons, and that House being present, was pleased to open the SECOND SESSION of the SIXTH PARLIAMENT OF THE DOMINION OF CANADA, with the following Speech :—

Honourable Gentlemen of the Senate :
Gentlemen of the House of Commons :

It affords me much gratification to meet you once more at the commencement of the Parliamentary Session, and to congratulate you upon the general prosperity of the country.

Although the labors of the husbandman have not been rewarded in some portions of the Dominion by an adequate return, the harvest of last year has on the whole been plenteous, while in Manitoba and the North-West Territories it was one of remarkable abundance.

The negotiations between Her Majesty's Government and that of the United States for the adjustment of what is known as "The Fishery Question", have, I am pleased to inform you, resulted in a Treaty which will, I venture to hope, be considered by you as honourable and satisfactory to both nations. The Treaty, with the papers and correspondence relating thereto, will be laid before you, and you will be invited to adopt a measure to give effect to its provisions.

The extension and development of our system of railways have not only rendered necessary additional safeguards for life and property but have given greater frequency to questions in which the interests of rival companies are found to be in conflict, and to require authoritative adjustment. As further legislation appears to be needed for these purposes, a measure will be submitted to you for the consolidation and improvement of "The Railway Act."

Experience having shown that amendments are required to make the provisions of the Act respecting Elections of the Members of the House of Commons more effective and more convenient in their operation, you will be asked to consider a measure for the amendment of that Statute. The Act respecting Controverted Elections may likewise require attention with a view to the removal of certain questions of interpretation which have arisen and which should be set at rest.

My Government has availed itself of the opportunity afforded by the recess to consider the numerous suggestions which have been made for improving the details of the Act respecting the Election Franchise, and a measure will be submitted to you for the purpose of

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simplifying the law and greatly lessening the cost of its operation.

The growth of the North-West Territories renders expedient an improvement in the system of government and legislation affecting those portions of the Dominion, and a bill for that purpose will be laid before you.

A bill will be submitted to you to make a larger portion of the modern laws of England applicable to the Province of Manitoba and to the North-West Territories in regard to matters which are within the control of the Parliament of Canada but which have not as yet been made the subject of Canadian Legislation.

Among other measures, Bills will be presented to you relating to the Judiciary, to the Civil Service Act, and to the audit of the Public Accounts.

Gentlemen of the House of Commons :

The accounts for the past year will be laid before you as well as the estimates for the ensuing year. They have been prepared with a due regard to economy and the requirements of the public service.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I commend these important subjects and all matters affecting the public interests which may he brought before you to your best consideration, and I feel assured that you will address yourself to them with earnestness and assiduity.

His Excellency the Governor General was pleased to retire, and the House of Commons withdrew.

THE RAILWAYS ACT.

HON. MR. ABBOTT presented to the House a Bill intituled: "An Act relating to Railways."

The Bill was read the first time.

THE ADDRESS.

MOTION.

THE SPEAKER reported His Excellency's Speech from the Throne, and the same was then read by the Clerk.

HON. MR. ABBOTT moved that the House do take into consideration the Speech of His Excellency the Governor-General to-morrow.

The motion was agreed to.

ORDERS AND CUSTOMS OF THE SENATE.

MOTION.

HON. MR. ABBOTT moved that all the Members present during this Session be appointed a Committee to consider the Orders and Customs of this House and Privileges of Parliament, and that the said Committee have leave to meet in this House, when and as often as they please.

The motion was agreed to.

The Senate adjourned at 4 p. m.

THE SENATE.

Ottawa, Friday, February 24th, 1888.

THE SPEAKER took the chair at 3 p. m.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED.

THE SPEAKER informed the House that he had received a communication from the Clerk of the Crown in Chancery notifying the Senate of the appointment of Richard Hardisty to the Senate.

HON. MR. HARDISTY was then introduced and having taken the oath prescribed by law and signed the roll, took his seat.

THE ADDRESS.

MOTION.

HON. MR. ROSS (De la Durantaye) rose to move the adoption of the following resolution for an Address to His Excellency the Governor General in answer to his Speech from the Throne :—

That the following Address be presented to His Excellency the Governor-General to offer the respectful thanks of this House to His Excellency for the gracious Speech he has been pleased to make to both Houses of Parliament—namely :—

To HIS EXCELLENCY the Most Honorable Sir HENRY CHARLES KEITH PETTY-FITZMAURICE, Marquess of Lansdowne, in the County of Somerset, Earl of Wycombe, of Chipping-Wycombe, in the County of Bucks, Viscount Caln and Calnstone in the county of Wilts, and Lord Wycombe, Baron of Chipping-Wycombe, in the County of Bucks, in the Peerage of Great Britain ; Earl of Kerry, and Earl of Shel-

burne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, in the Perrage of Ireland; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor-General of Canada.

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, humbly thank Your Excellency for your gracious Speech at the opening of this Session, and especially for Your Excellency's expression of gratification at meeting us once more at the commencement of the Parliamentary Session, and of congratulation upon the general prosperity of the country.

We rejoice to learn that, although the labors of the husbandman have not been rewarded in some portions of the Dominion by an adequate return, the harvest of last year has on the whole been plenteous, while in Manitoba and the North-West Territories it was one of remarkable abundance.

We receive with deep satisfaction the information Your Excellency has been pleased to give us that the negotiations between Her Majesty's Government and that of the United States for the adjustment of what is known as "The Fishery Question" have resulted in a Treaty which doubtless will justify Your Excellency's hope that it will be considered honorable and satisfactory to both nations.

We thank Your Excellency for informing us that the Treaty, with the papers and correspondence relating thereto, will be laid before us, and we respectfully assure Your Excellency that any measure to give effect to its provisions shall receive our most earnest and careful consideration.

We have received with a full sense of its importance Your Excellency's statement that the extension and development of our system of railways have not only rendered necessary additional safeguards for life and property, but have given greater frequency to questions in which the interests of rival companies are found to be in conflict, and to require authoritive adjustment, and that, as further legislation appears to be needed for these purposes, a measure will be submitted to us for the consolidation and improvement of "The Railway Act."

We are pleased to learn that experience having shown that amendments are required to make the provisions of the Act respecting Elections of the Members of the House of Commons more effective and more convenient in their operation, we will be asked to consider a measure for the amendment of that Statute.

We receive with interest the information that the Act respecting Controverted Elections may likewise require attention, with a view to the removal of certain questions of interpretation which have arisen and which should be set at rest.

We are glad to be informed further that your Excellency's Government has availed itself of the opportunity afforded by the recess to consider the numerous suggestions which have been made for improving the details of the Act respecting the Electoral Franchise, and that a measure will be submitted to us for the purpose of simplifying the law and greatly lessening the cost of its operation.

It is with the greatest gratification we hear that that the growth of the North-West Territories renders expedient an improvement in the system of government and legislation affecting those portions of the Dominion, and that a Bill for that purpose will be laid before us.

We hear with much interest that a Bill will be submitted to us to make a larger portion of the modern laws of England applicable to the Province of Manitoba and to the North-West Territories in regard to matters which are within the control of the Parliament of Canada, but which have not as yet been made the subject of Canadian legislation.

We thank Your Excellency for the information that, among other measures, Bills will be presented to us relating to the Judiciary, to the Civil Service Act, and to the audit of the Public accounts.

Your Excellency having been graciously pleased to commend these important subjects and all matters affecting the public interests which may be brought before us to our best consideration, Your Excellency may rest assured that we will address ourselves to them with earnestness and assiduity.

He said—(in French)—In rising to move the adoption of the Resolutions for an Address in reply to the Speech from the Throne, I have to thank this House for the honor which they confer upon me. The Address speaks of the general prosperity of the country, and presents a picture which must be agreeable to all of us. It is probable, if current rumours are true, that this is the last time that we shall hear the voice of the distinguished nobleman who now represents Her Majesty in this country, delivering a Speech from the Throne. I am sure that I express the feelings entertained by this House, and by the country, when I say that we recognize in the present Governor-General a distinguished statesman, whose social and diplomatic position merits the esteem, respect and admiration of the Dominion. His Excellency will take with him from Canada the respect and gratitude of all true Canadians, and I am sure that when the time arrives this House and Parlia-

ment will express its opinion to that effect in a manner which His Excellency will appreciate. The Address speaks of the character of the harvest of last season; no doubt, in certain portions of the country it has not been as plenteous as in other years, but the statement in the Speech from the Throne is perfectly correct—it is plenteous and sufficient for the requirements of the country. The deficiencies in some portions of the Dominion are supplied by the extraordinary abundance of the harvest in Manitoba and the North-West Territories. On the whole, there is no reason to complain of scarcity anywhere. The next paragraph refers to the settlement of the long pending difficulties in connection with our fisheries. I am sure that this House will rejoice sincerely that this consummation has been reached and that these negotiations have terminated successfully a long standing dispute. On the whole I regard the Treaty as one which is favorable to our country without injuring our neighbors. It is advantageous to both, and I consider it is a good arrangement which is beneficial to both contracting parties. It is true that concessions have been made on both sides, but they are trifling as compared with the immense advantages to be derived from the settlement of this difficult and important question. The troubles arising from the conflicting interpretations of the Treaty of 1818, were a constant source of irritation between the two countries. What we want in this young country is an assurance of peace with our neighbors, in order that we may devote all the strength, energy and intelligence of our people to developing the greatness and prosperity of our country. Viewed in this light, it is a cause of congratulation that this source of annoyance and danger to the harmony which should prevail between the two countries has been removed. The success of the negotiations is largely due to the fact that we were ably represented at Washington—that the interests of Canada were in safe hands. Every one felt when Sir Charles Tupper was appointed that the interests of Canada would not be sacrificed—that he would defend our rights and promote our interests. No better selection could have been made. Not only is Sir Charles Tupper a man of commanding ability, but he is a representative of one of the provinces most deeply interested in the settlement of the question. The fact that these important negotiations were intrusted to Sir Charles Tupper and his colleagues ought to be a guarantee that the interests of the country would be well protected. I have no doubt, that it will be shown, that in the negotiations he was ably seconded in his efforts to promote the interests of Canada by his colleagues, the Minister of Justice and the Minister of Marine and Fisheries. Referring to the subject of agriculture, permit me to express my satisfaction at the progress which has been made of late years in this important industry of Canada. The establishment by the Government of experimental farms in the several provinces will contribute largely to the prosperity and advancement of the agricultural community. While we have made steady gains in material prosperity, unfortunately there are portions of the country in which agriculture is in a backward state. The timely intervention of the Government in establishing these experimental farms cannot fail to result advantageously to the whole community, if those who are engaged in agricultural pursuits will only benefit by the results of the experiments which are conducted upon them. I am persuaded that the Government have rendered a great service to the country in affording to the people such useful information calculated to promote the important industry so essential to the permanent prosperity of the country.

His Excellency informs us that it is the intention of the Government to modify some of the laws relating to railways, especially with a view to rendering life and property more secure upon these great highways. I believe that some legislation of the kind is necessary, in view of the numerous and terrible accidents which have occurred of late in various parts of the Dominion. If any means can be found to render life and property more secure upon the railways, it is the duty of parliament to adopt such legislation, to meet a general demand on the part of the public. This House, I am sure, will agree with me,

that our railway system is destined to play an important part in the development of this country. Already we feel the advantage of having such a system, and we realize the importance of its extension. That is the true policy of this country; it is a policy which more than anything else is calculated to promote the prosperity, and develop the resources of the Dominion. I suppose there is no country in the world which has, in proportion to its population, constructed so many miles of railway as Canada has of late years. The Government have virtually assumed control of the railways, and they not only have the control, but they reap the benefit by the increased revenue derived from the development of the trade of the country. Such being the case, they should extend their policy and aid railway companies, so as to ensure the building of new lines wherever they may be found necessary for the development of the country. By doing so they would relieve the Provinces from the obligations they have incurred of late years for this purpose, and would thereby render demands upon the Dominion for better terms less pressing. It would be continuing the grand national policy inaugurated ten years ago. I should say that nothing appears in the Speech from the Throne which warrants me in making such a suggestion. It is my own opinion merely, and I give it for what it is worth, believing it to be a sound policy for the Dominion.

His Excellency announces that there will be a modification of the Election Laws and the Controverted Elections Act. We all know the importance of these laws, if Parliament is to be fairly representative of the people. There is no doubt that the existing laws need amendment: experience in the working of them demonstrates their weak points and indicates the need of improvement. For example, a good deal of difficulty is experienced with the section which leads to the opinion that an election cannot be contested after six months. That is a difficulty which should be promptly overcome. The Controverted Elections Act is one with which we in this House have little to do; the Senate is not elective, but we can see the defects in the working of the law, and we must recognize the fact that it is often disastrous to innocent men. After the election last February many protests were entered, but comparatively few of them were brought to trial. A good deal of money was expended in these cases, most of which went into the pockets of the lawyers. The expenses incidental to such cases are exceedingly heavy, and often prove ruinous to innocent persons. I think it is the duty of Parliament to remove such objections which interfere with properly qualified persons coming forward to serve their country.

We are promised a measure to improve the government of the North-West Territories. This House will agree with me that in those territories and the province of Manitoba the future hopes of the Dominion lie, and if it is possible to provide legislation which will help those sections of the country it is our duty to do so. Manitoba has made extraordinary progress, and we have good reason to hope that the great country which lies beyond it will be settled and developed with equal rapidity. When we reflect upon the vast strides which the Dominion has made in prosperity and development during the 20 years that have elapsed since the Confederation of the Provinces, we may well look forward with hope and confidence to what the future will bring forth. We have seen Canada advance steadily on the path of progress until to-day the Dominion is a country of which the world speaks with respect and whose future greatness is universally conceded. Canadians have reason to be proud of their country. Thanking you sincerely for your patience and attention to my remarks I beg to move that this Resolution be adopted.

HON. MR. SANFORD—I am honored with the privilege of seconding the address which has been so ably presented by the hon. Senator from De la Durantaye (Mr. Ross) and I much regret my inability to discharge the duty thus devolving upon me in a manner that its importance demands.

The assurance of the general prosperity of the country is a cause for congratulation. Notwithstanding the

fact that two of our moneyed institutions have closed under exceptional circumstances, attributable largely to mismanagement, affecting injuriously the shareholders principally, I think we may with confidence claim that the anxiety caused thereby has been local and is now allayed without disarranging the business of the country. Reports of a fair average business, with generally satisfactory payments, being the rule rather than the exception, encouraging us to hope for an increased term of prosperity.

The abundant harvest in Manitoba, the average yield of wheat equalling if not excelling the largest yield per acre of any country of which we have knowledge, is the strongest possible guarantee of its rapid settlement and of its becoming the great American granary at no distant day.

It is most gratifying to learn that the labors of the Fishery Commission have been brought to a satisfactory conclusion. The Imperial and the United States Governments have held such adverse views on the interpretation of the original Treaty of 1818 as to cause at times much irritation, giving rise to the gravest apprehensions. The terms of the treaty, signed by the Commissioners and to be submitted for ratification to the several Governments interested, are of such a nature that they must, when ratified, set forever at rest this much vexed question, enabling us to live in harmony and peace with the great nation to the south of us. This treaty may be ratified by the Governments concerned with honor. The concessions made on both sides are such as a spirit of fairness would dictate and with due regard to the promptings of a feeling of common humanity. While it is true that one or more representative party journals have attacked the treaty, and condemned the action of the British and Canadian Commissioners for having accepted it, this feeling is not general. I may say that a very excellent and influential Reform journal published in the city in which I live, with others, endorses the treaty, and when its provisions are fully understood by the people they will commend the wisdom, the ability, and the statesmanship of the Right Hon. Joseph Chamberlain and Sir Charles Tupper. When the treaty and the correspondence accompanying the same are laid before this hon. body, the subject will, no doubt, receive at your hands the fullest consideration and your concurrence.

The rapid growth of the railway interests of the country, so necessary to its development, calls for the most careful legislation to insure increased protection to life and property. The measure proposed will make provision for the settlement of such difficulties as arise over level crossings by rival lines, and for the better protection of the crossing of the highways, &c. These measures will commend themselves to your favorable attention.

It is at all times most important that legislation should be based upon practical experience framed with a view of obtaining the greatest efficiency, and hon. gentlemen will be pleased to know that a measure will be brought before you to amend the Act respecting the election of the members of the House of Commons, making it more convenient and effective in its operations.

The Act respecting Controverted Elections is one which requires amendment from time to time in order to meet the ever-recurring difficulties with interpretation and operation and therefore I feel assured that the proposed amendment will receive at your hands the fullest consideration.

The Election Franchise will demand your attention. A measure will be brought down which will not only simplify but greatly lessen the cost of its operation. These are questions which more particularly relate to the other branch of Parliament and therefore I have not troubled hon. gentlemen with anything more than a passing reference and general concurrence.

The growth of the North-West Territories renders an improvement in the system of legislation necessary. The North-West Council, a portion of its members being appointed by the Crown and the balance by the people, was deemed at the time of establishing that Government sufficient for its sparse population, but with great growth and rapid development of the country, important changes are unquestionably necessary.

The proposed Bill to make the modern laws of England applicable to Manitoba and the North-West Territories will no doubt commend itself to this hon. body when they remember that the laws of England obtain which were in force in the days of Charles II., who granted the charter to the Hudson's Bay Co. (that is, so far as these laws are not modified) and many of them are now obsolete. The various measures foreshadowed in the Speech from the Throne other than those referred to are of a special character and I have no doubt that such consideration will be extended by hon. members on their introduction in this Chamber as will ensure their being engrossed as part of the future laws of this country.

The announcement recently made in the press that His Excellency is soon to bid us farewell to assume an important position in the Imperial Government is one which has been received everywhere throughout the Dominion with mingled feelings of pleasure and regret—pleasure that one who has endeared himself to the Canadian people is to receive such merited distinction from the Government of the Empire, regret that we are so soon to lose one who has represented Her Majesty so worthily, and evinced such a deep and practical interest in the welfare of our country. I doubt if His Excellency would have learned in such a thorough and satisfactory manner the extent of his popularity before hearing the farewell of our people had he not been personally assailed, as few of Her Majesty's representatives in her greatest colony have ever been, by bitter and unscrupulous enemies from abroad. The attack, which was designed to drive him from the Dominion, simply served to demonstrate the deep feeling of loyalty which prevails amongst our people for Her Gracious Majesty and her representative in the Dominion, and the profound respect, unbounded confidence and warm personal friendship which most Canadians cherish for His Excellency and his amiable and accomplished wife. No Governor-General ever left the shores of Canada with more convincing proofs of the attachment of the Canadian people for himself, or more worthily won their esteem and confidence.

I have much pleasure in seconding the resolution in reply to His Excellency's most gracious address.

HON. MR. SCOTT — The usual etiquette in naming the mover and seconder of the resolution for an Address in reply to the Speech from Throne has been to select junior members of the House. My honorable friend who so eloquently, earnestly and ably moved this resolution is a comparatively young member of the Senate, having first taken his seat last session, yet he is an old parliamentarian and he has given evidence of the marked ability that he possesses in addressing deliberative bodies. I am quite sure that whether we agree with his observations or dissent from them his speech will have, at least, led us to hope that he would more frequently give us the benefit of his counsels in the discussion of the various questions which come before this body. He has, of course, had a very large experience. I had the pleasure of sitting not very far from him in the old Parliament of Canada, nearly thirty years ago, and since that time he has held many positions of importance, culminating in the high and distinguished one of first Minister of the Province of Quebec. He is, therefore, in every sense of the term, a highly experienced and qualified legislator, and quite able to give us the benefit of his opinions on any subject that might be brought forward. While I entirely dissent from the views he has expressed on the majority of the subjects discussed, I am free to confess that I was extremely pleased with his manner and address, and the earnest way in which he delivered his opinions. I concurred particularly in his observations, with regard to His Excellency, although there was no paragraph in the speech which referred to his departure from this country. We all feel that Lord Lansdowne has acquitted himself as a distinguished Governor should do, and that he has earned the good will of the Canadian people. The gentleman who seconded the Address also discharged his duty well. We have all to remember that he is a gentleman who has not been trained in legislative halls, and therefore, very large consideration is due to any effort that he has made. He

may feel that his observations have been well received in this House.

Having said this much with regard to the distinguished members of this House who moved and seconded the Address, I wish now to make a few observations on the speech itself. The first paragraph expresses regret that the harvest was not as universally abundant as in other seasons, except in one of the Provinces, yet it is said to be plenteous, whatever that may mean. The grievances of the agriculturalists are beginning to crop up, and it might have been more truthful for the Government to have placed in the mouth of His Excellency some observations on the happy and contented position of the sugar refiners, the cotton lords, and the iron manufacturers. It would have been quite in keeping with the condition of things to have congratulated the country on their success and to have regretted, perhaps, if truth were to be the prevailing element in the Speech, that it tended to press rather unduly and severely upon the farmer who is taxed in order that they may have large dividends. The position of the farmer is becoming a very serious one in this country, and I rather think that his education on the National Policy in the next two or three years is likely to develop very rapidly. The National Poliey has been very like this fishery question, something that could not be approached—it has been a sort of golden calf that we were all expected to worship. I have this morning seen the Fisheries Treaty, for the first time, in one of our local papers. I read it before coming to the Chamber to-day. I knew that it was to receive those fulsome laudations that have been accorded to it by the gentlemen who have spoken. I was very much amused with the observations of the hon. member from De la Durantaye when he dilated on the peace it was to assure us—on the prospect that it was to remove all the difficulties that have arisen between Canada and the United States growing out of the great difficulty of construing the Treaty of 1818. He assumes that all those difficulties have been removed. I fail to see where any of them have disappeared. There is the same room for friction so long as we have this three-mile limit, and this right to refuse permission for American fishermen to enter our ports under circumstances that the comity of nations would amply justify. So long as those questions remain unsettled, so long will there be this friction, intensified, no doubt, by the incongruous document concocted at Washington. Let us go through this document: it has been heralded as an extraordinary production, giving to this country peace —peace at any price. After reading it I arrived at this conclusion, that I should much rather Canada had said to the United States: "We will give all you ask in that treaty cheerfully: we do not desire to have it taken from us under the vain presumption that it is a treaty between high contracting parties. Whatever is done has been done and filtered through English power." Do you suppose for a moment that the gentlemen who have been lauded here to-day — Sir Charles Tupper and Mr. Thompson and Mr. Foster— had anything to do with the making of that treaty? Mr. Chamberlain came to this country to negotiate a treaty. He came in obedience to British sentiment, in obedience to the desire of British statesmen, that those causes of contention and trouble that had been cropping up from year to year between the two countries should be removed. He came here with a desire that the trade relations between the two countries should continue, and that Canada should go under if necessary in order that peace should prevail. I say it would have been far more chivalrous and far more in accordance with the sentiments of the people of this country if all that has been conceded in that treaty had been given by us voluntarily, and we had said to the Americans: "We want to trade with you, and if you wish to put this construction on the treaty, do not go through the form and farce of submitting it to plenipotentaries over whom we have no control." I will just boil down the treaty, taking out all the grand words and phrases and eloquent sentences, and give you the simple heart of the treaty: what does it amount to? It was to supercede the Treaty of 1812 and remove all cause of complaint. There were to be concessions on all sides. Let us see

what the concessions were on the part of Canada. I should like the hon. gentleman from De la Durantaye, after I have sat down, to rise and point out where the concessions are on the part of the United States; if he can show them he will confer a favor on myself and others who, like myself, do not want to see our country sacrificed. The first article is for the appointment of a commission to define these limits on charts, a very difficult proceeding certainly. In order to be valuable, every skipper, every man who has a little fishing boat or smack of two or three tons burden, must provide himself with a chart and take measures to know his limits. The second paragraph provides how the commission is to be formed, not a very difficult task. It ought not to have taken three months to come to that conclusion. Then the three-mile limit is defined. What under this article is defined? The headland question is given up so far as Canada is concerned; I do not know that it is abandoned so far as the American side goes. I do not know that Delaware Bay, Chesepeake Bay and other inlets on the United States coast stand in the same position as the Baie de Chaleurs and other bays that I could name which are given up under this treaty. We abandon the construction that has been put upon the headland question for nearly one hundred years, for before the old treaty it was recognized among the nations of the world what the headland question meant: it meant the part of the ocean which was included w thin the great head lands of a particular country. Under this Treaty the head land question is given up except bays and harbours under 10 miles. That is the first concession. In order to make it perfectly clear, the 4th article gives up in effect and in words the great bays of this country beginning with Baie de Chaleurs, Miramichi and other bays that are named, as any hon. member can see by referring to the Treaty. They are all given up until you come within the bay to where a line of 10 miles will reach from one shore to another, where Canada's rights are supposed to begin. The 5th article is what I should call stuffing: it is really nothing. It provides that bays which may have an entrance less than 10 miles wide and which widen out as you approach the interior of the country, shall be excluded; but these are excluded already by the preceding article, because the approach is within the 10 miles limit. The 5th paragraph was wholly unecessary, because anyone reading the preceding clause would see that whenever you reach within the 10 miles limit, then the waters belong to Canada.

HON. MR. MILLER—Three miles outside.

HON. MR. SCOTT—Three miles outside of the shore limit. The 10 miles limit is taken as the shore line.

Then we come to the 6th article, which relates to the report of the Commissioners appointed to prepare those charts. That, certainly is not of any consequence. The 7th article provides for a mode of settlement if the Commissioners disagree—the usual way, the appointment of a third party. The 8th article relates to the payment to the Commissioners. The 10th article provides that United States fishing vessels entering bays or harbors referred to in Article 1 of the Treaty shall comply with harbor regulations, but need not report, enter or clear when putting in to such bays or harbors for shelter, or repairing damages, nor when putting into the same outside the limits of established ports of entry for the purpose of purchasing wood or of obtaining water, without payment of any dues. That is expressly the same as the terms of the Treaty of 1818. I do not know that in that treaty they were allowed to do it without payment of dues; at all events they had that privilege, and this does not make a particle of change. The 11th article provides that United States fishing vessels entering under stress of weather or other casualty, loss of spars, etc., may unload and reload, or may tranship their freight and send it to the United States. They may also sell all the fish that are on board, buy supplies for the homeward voyage, but not to go out again to fish. Now, hon. gentleman will see that in the 11th paragraph we are giving certain privileges to the American fishermen, but we are not defining definitely accurately and precisely, where those privileges termi-

nate. Any lawyer looking at this article will see that it may be a fruitful source of trouble between the two countries. In the first place American vessels have the right to come in under stress of weather. What is it to be? A storm that will sweep the decks, a high wind, or what?

HON. MR. HOWLAN—The captain of a fishing smack will soon tell you that.

HON. MR. SCOTT—Yes, but he has to go to the Court of Amiralty to have it decided. Is it a phrase that you can define the meaning of? Is it not open to a construction that any one or two individuals may put upon it different from that put upon it by anybody else.

HON. MR. HOWLAN — Stress of weather is easily defined.

HON. MR. SCOTT—They may load, reload, tranship and buy supplies for a homeward voyage, but are not allowed to buy supplies to go out and fish again. How are you to tell whether the vessel has gone out to fish again or not? Are you to follow each vessel out to sea, and have marine police to watch each craft? It would require a police boat to be a sort of tender to every American fishing vessel that might happen to come into port. My hon. friend from Prince Edward Island smiles. No doubt he would be favorable to any Treaty that might be made.

HON. MR. HOWLAN—I will tell you that when the papers are before the House.

HON MR. SCOTT—If the Treaty means anything, it is a concession and, I am bold enough to say, before twelve months roll over you will find the interpretation of that clause will give rise to most angry feelings, and bitter contention and will form the subject of diplomatic correspondence between the two countries. The thing is a fraud! a farce! Hon. gentlemen may smile, but if they mark my words, they will find that before three years my observations will be somewhat confirmed. Then again in buying supplies, American fishing vessels are not allowed to barter; they must pay cash for them. Where is the concession there to Canada? I do not see it. If it is a concession it is under very ambiguous language. By the way, there is —I must withdraw my observations. Canadian vessels are to have similar privileges in American waters? Thank you for nothing! If the privilege of fishing in Canadian waters was considered by the Halifax Commission to be worth half a million dollars a year for the period of ten years during which the treaty was to be in force—if the Canadian waters were considered of that much value over and above the American waters, then I doubt very much if Canadian fishermen are likely to fish in American waters. I have never heard very much importance attached to any privileges that the Americans could offer to Canadians fishing in their waters. There may be, and no doubt there are in some isolated cases, but I take the broad question, is there anything like an equality of interest in saying that we grant to American fishermen the right to come into our waters, and in return the Canadian fishermen shall have the same right in American waters? To balance in any way the privilege accorded to American fishermen it is only right to say that the privilege to Canadians of selling in the American market should be the equivalent. American fishermen sell a comparatively small amount of fish caught in their own waters; our fishermen sell from three to four millions of dollars' worth annually, according to the year, to the American people. They sell it, as they will have to sell it in the future, subject to a high tax on going into the American market, and we have not so far come to those mutual and generous concessions that we are told have been made by the high contracting power on the other side of the line. Their bays are not open to our fishermen even under the interpretation given to the bays on our side of the line.

The next paragraph, No. 13, is not very important. It requires that every vessel must have her number on her bows. I suppose it is in order that a vessel may be identified if she gets away. The 14th article provides penalties for infraction of the treaty, and the mode of trial, and appeals for the defence only.

These are the articles which have been signed at Washington, and which have taken from the 13th November to the 13th of February to get through. Can any hon. gentleman present point out in what particulars the people of the United States have made concessions to Canada? I say again and say decidedly that the majority of the Canadian people would very much rather have said to the people of the United States "we will give you the privileges contained in that treaty as evidence of our good feeling and comity, and our desire to be at peace with you, and to remove any bitterness and contention arising out of this fishery question." Those are all the articles of this celebrated treaty that we have heard so much about, that hon. gentlemen have so lauded and for which they have paid such high compliments to the gentlemen who represented us on the Commission. They had little to do with it; it was what Hon. Joseph Chamberlain desired that had to be conceded by our representatives to the people at Washington. I have no hesitation in saying that the great majority of the intelligent people of this country desire free traffic with the people of the United States, not in fish alone, but in every other article of commerce in which the two countries deal. They desire that unrestricted traffic should prevail between the two countries, and believe that in that way all causes for irritation which now prevail would at once be removed. I have no doubt that had our Government, without the intervention of Commissioners, been bold enough and independent enough of the ties of the monopolists of this country to have said to the United States: "We are two peoples descended from the same stock, living alongside of each other in friendly rivalry, we mean to be friends; nothing should arise to create discord between us, and we believe that the surest way to cement that friendship is that our dealings should be unrestricted—that our trade should not in any way be tied or hampered—that our people should be free on either side of the line to buy and sell in each other's markets, that would have been the true solution of this question, and of every other question between two people separated by an imaginary boundary over 3,000 miles in length extending from the Atlantic to the Pacific. But we could not make a treaty; we could do nothing with the United States. Our hands were tied, and the result of this treaty will be just as the result of every other treaty in which Canada was concerned between Great Britain and the United States in the past. We know that after the war of 1812 the population of this country was very small and scattered except in the Maritime Provinces. The line 45 was then considered the fair boundary between the two countries. There would have been no difficulty then in maintaining it had firmness and watchfulness been the watchword on the part of those who represented our interests. That line extended west to the Pacific as our boundary, but as years went on, the Americans, carrying out their theory that the whole boundless continent was theirs, in their desire to grasp Canadian territory, from time to time saw reason for quarreling with the boundaries East and West and if anybody now takes the boundary at the 45th parallel and follows the line through the Eastern townships he will find that on the East the boundary has been moved up into the interior of Canada, the State of Maine now reaching up so far North that when we desire to reach the ocean by a short line, or our friends in the Maritime Provinces we have to take a route through the State of Maine. That has all been the result of diplomacy, or the want of diplomacy on the part of those who were the representatives of Canadian interests in this treaty-making with the Republic on the other side of our border. It is notorious—it has been commented upon by the press of both countries time and again, and yet the system continues. It is only a few years ago we lost what we considered we had an undoubted right to on the Pacific coast—the Island of San Juan under the same system of leaving it to British diplomatists who did not care whether we were pleased or not, but desired to stand well with the American people. The result has always been that those who have negotiated those treaties at the expense of Canada's interests have invariably met with the ap-

proval of of the British people because they have removed causes of irritation between Great Britain and the United States.

Looking over the report, I find that Mr. Bayard a year ago suggested to the Canadian people that they were rather extreme in the interpretation that they put upon this treaty—that it was not in accord with his reading of it. What was the answer then of this Government when left to itself, and not speaking under the inspiration of Imperial Councils :—

"Such a surrender on the part of Canada would involve the abandonment of a valuable portion of the natural inheritance of the Canadian people, who would certainly visit with just reprobation those who were guilty of so serious neglect of the trust committed to their charge."

Has that trust now been saved and preserved? Have they faithfully adhered to the trust which the Canadian people gave them to preserve their rights, when they conceded what they have by this treaty, though much that they contended for belonged rightfully and truthfully to the Canadian people? I say again it would be more manly and more in accordance with the spirit of the Canadian people if these concessions had been granted without the intervention of a treaty at Washington; but it appears that there was a good deal of gush over all that we had gained. I have read all the articles of the treaty, and I certainly fail to see where the Americans have given us one iota in exchange for the privileges we have granted them. It is perfectly apparent that we have conceded a great deal—that is, if we are right in the conclusion and in the judgment we formed as to the true interpretation of the Treaty of 1818. When all was done, in a feeling of gush and generosity our Ministers made a voluntary offer; there was a rider attached to this treaty. As an evidence of their desire to promote good feeling and to remove all possible subjects of controversy, they granted for a period of two years to the American fishermen rights which they might otherwise obtain if Congress removed the duty from Canadian fish going to the American market. Article XV of the Treaty, and which is given up for the present, makes this provision :—

"Whenever the United States shall remove the duty from fish oil, whale oil, seal oil, and fish of all kinds (except fish preserved in oil) being the produce of fisheries carried on by the fishermen of Canada, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans and other usual and necessary coverings containing the products above mentioned, the like products being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland, and upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects without duty being re-imposed thereon, the privilege of entering the ports, bays and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States fishing vessels by annual licenses free of charge, for the following purposes."

(It must be remembered that when the United States choose to do that it can only be done by Congress :—)

1. "The purchase of provisions, bait, ice, seines, lines and all other supplies and outfits.
2. The transhipment of catch for transport by any means of conveyance.
3. Shipping of crews."

When Congress is willing to do all that, then we say we will do certain other things: but in a spirit of gush our plenipotentiaries, desire, at all events, for a period of two years, to anticipate any action of Congress, and they add this rider.

What is to be gained by continuing to American fishermen for two years the privilege of entering the bays and harbors on the coasts of Canada and Newfoundland, I really cannot see, and I fail to appreciate it. Just after the Treaty of Washington expired we named a period of six months that the conditions of the treaty on our part should be continued and the American fishermen were during that time to have all those benefits and privileges. It did not succeed, however, in having the effect that was anticipated. Now, we offer for a period of two years further privileges, that they may appreciate, I suppose, the immense advantages they will gain, and in that way it is expected to operate as a lever to obtain for us the legislation we

desire at Washington. All these privileges Congress would have the right to give to American fishermen by a reciprocal trade negotiation. I am not prepared to say what the effect of the proposed license of $1.50 per ton will be —whether it will operate on the fishermen so favorably as to induce them to avail themselves of those privileges or not. It seems, however, to have been conceived in a very generous spirit, and all I can say is, I hope it will have the desired effect at Washington. My own impression is that it is exceedingly doubtful. Possibly Congress may treat this matter—or the Senate may treat it, just as that body treated the extradition treaty the other day—throw it out. All I can say is, from my standpoint I should not consider it very much loss. I should not consider it as great a loss as the extradition treaty. My opinion, and I fancy the opinion of the world, has changed materially as to the character of the United States Senate. I think that legislative body has fallen measurably in the eyes of good and moral men of all nations by the action they took the other day in declaring to the world that they were not prepared to adopt a treaty with a neighboring power by which the embezellers, the forgers, the dynamiters and bomb throwers should be given up by one country to the authorities of the other where the laws of that particular country had been offended. I say it with very great regret, because the United States Senate has in the past been regarded as one of the highest legislative bodies in the world. Anybody speaking to a United States Senator personally on that subject would find that he would be quite as much shocked as one of us that a time should arise when the people of the United States should say to a friendly power "we prefer letting our criminals go amongst you, and we prefer holding your criminals here—we do not propose to give them up. We despise them. We detest them. They ought to be in the penitentiary, but we will harbor them. Let us encourage thieving. Let us encourage immorality. Let us encourage bomb throwing, bank robbery and the wrecking of moneyed institutions. It is the right thing. It is in accordance with the spirit of the age; it is the nineteenth century policy." I say that it is most discreditable, and if this Government would take advice from me, I should suggest that at this session we pass an Act, wholly irrespective of the United States, giving power to the people of this country to extradite all criminals who seek a refuge and a haven in this Dominion of ours. Then we should no longer be pointed at with contempt and disrespect; it should not be said that men who rob and plunder in New York can come over to Canada and live in palaces in Montreal and Quebec on the proceeds of their dishonesty. I hope the leader of the Government of this House will take a note of it, and if he does as I suggest he will act wisely and well and set a good example by placing on our statute book a law by which such men shall not be allowed to enjoy the spoils which they have secured by their dishonesty in the country south of us. If we adopt that course it will create such a feeling in the United States that Congress will be forced to adopt an Extradition Treaty, or at all events provide by similar laws that Canadian refugees who have offended the laws of this country shall be returned here for punishment, and we will no longer witness that which shocks every man with any sense of propriety, our country being made a haven of refuge for those who should otherwise be serving out their terms in the penitentiary.

I do not propose to go at length into the various paragraphs that follow in this speech. They are not very many, and not very important. They, no doubt, provide in some degree for laws that may be of importance to be added to our statute book. They are laws in the enactment of which we all, irrespective of political feeling, may take a part. Reference is made here to the lessening of the expense of the Franchise Act. The only way that the Government can lessen the expense of that Act is to adopt the common sense plan of taking the franchise of the Provinces, or by leading the way and adopting manhood suffrage.

The Speech, beyond the allusion to the Fishery Question, is utterly barren, except of the few questions to which I have already called attention. It is

silent on the extradition question, though I think it is a point which ought to have been introduced. I think that the feeling of indignation on the part of the people of this country ought to have been manifested on the meeting of Parliament at the extraordinary course that has been taken at Washington with regard to the Extradition Treaty which has been submitted to their consideration.

I shall not longer detain the House. Perhaps I have already spoken too warmly for some of my friends from the Maritime Provinces. I speak, however, from my own standpoint. I give my own individual opinions on those questions, not in any sense as a leader, or acting in any degree as a party man, and no gentleman is responsible for my utterance in this Chamber. They are my own conclusions, reached by my own methods of thought and from my own experience of things, and, therefore, I desire, in putting them on record, to do so with that restriction, that they are not in any sense the representative opinions of any party or any set of people, limited or otherwise in this Chamber or outside of it.

HON. M. ARMAND—En débutant dans la discussion sur l'adresse en réponse au *discours du trône*, je dirai ma manière de voir en vertu d'un principe qui dit que " tout homme doit être libre " de dire son opinion et ne doit pas " craindre de la dire dans telle ou telle " circonstance, sinon, qu'il ne mérite pas " de porter le glorieux nom d'homme."

Je la dirai aussi, en vertu de la bienveillante interprétation que Son Excellence, dans son gracieux *Discours du Trône*, a bien voulu nous assurer qu'il interpréterait de la manière la plus large, la plus favorable, tout ce qui pourrait se dire dans l'enceinte du Parlement, durant nos délibérations constitutionnelles.

Je la dirai aussi en vertu de ce principe chrétien, qui nous dit de " traiter nos " adversaires d'aujourd'hui comme s'ils " devaient être nos amis de demain, et " nos amis d'aujourd'hui comme s'ils " devaient être nos adversaires de de- " main."

Eh bien ! Honorables Messieurs, je comprends que l'absence momentanée du Ministre des Finances pourrait créer un vide, parmi ses collègues qui leur serait préjudiciable ; car, le Ministre des Finances est un de ces hommes qui a su s'élever au-dessus des questions de sectes, de castes et de parties ; qui a su s'élever au-dessus des préjugés nationaux et religieux ; qui a su s'élever au timon des affaires de son pays, en participant à aucune des sociétés secrètes qui sont le cauchemar des gouvernements.

Aussi, Sir Charles Tupper, comme feu Sir George Etienne Cartier, est une de ces belles et grandes figures historiques qui apparaissent de temps en temps, mais rarement et à longs intervalles.

Mais enfin, pour une cause ou pour une autre, quels que soient les motifs qui puissent inspirer le gouvernement, il n'en est pas moins regrettable que Son Excellence n'ait pas été avisé de convoquer les Chambres, dans une époque disponible de l'année, telle que désignée à maintes circon tances, par le vœu unanime du Conseil de la Nation.

Je pense bien que les Ministres, eux qui sont pour ainsi dire, comme cloués ou Siége du Gouvernement, puissent leur paraitre indifférent, d'y faire venir la députation à n'importe quelle époque ; mais pour la Députation, elle qui n'est pas tenue de passer le plus beau temps de l'année, de perdre le temps le plus précieux des affaires dans les rues poussiéreuses et brulantes des villes, notamment de la Capitale, il n'en est pas ainsi pour elle.

Aussi, si le gouvernement ne comprend pas, ou feint de ne pas comprendre ; la Députation, elle, pourrait comprendre qu'il y a un temps pour résister.

En attendant, qui vivra, verra.

Honorable messieurs, parlerai-je de cette Fédération Impériale pour laquelle le Gouvernement, l'an dernier, a député un ex-Ministre, l'ex-Leader de cette honorable Chambre, pour aller en Angleterre, probablement pour y conférer sur les bases de cette Fédération, et dans intérêt de laquelle un journal vient de paraître, que l'on nomme l'*Imperial*.

Je pense bien que parmi mes concitoyens d'origine irlandaise, il y en aura peu qui seront pressés de faire à l'instar de leurs compatriotes du Parlement de l'Irlande d'il y a 87 ans qui vendirent

leur autonomie, leur parlement, pour un plat de lentilles. Quant à mes concitoyens des autres origines, je ne comprendrais pas pourquoi nous, qui sommes séparés des complications de l'Europe par l'Océan Atlantique, je ne comprendrais pas dis-je, quel intérêt ils pourraient retrier en époussant les complications de l'Europe, de l'Asie, de l'Afrique et de l'Océanie.

Je suis surpris de voir qu'il y en a tant qui ne réfleéchissent pas que les innovations ne sont pas toujours ce qu'il y a de plus propre à rendre le peuple heureux, comme aussi qu'il y en a tant qui ne comprennent pas que le grand secret du bonheur est de savoir se contenter de ce que l'on a.

Est-ce que les partisans de la Fédération Impériale en Canada craindraient que nous viendrions à manquer d'espace, craindraient que nous viendrions à manquer d'air pour respirer. Qu'ils réfléchissent donc que la Confédération de la Puissance du Canada possède un territoire qui vient, en étendu, immédiatement en second après la Russie.

Est ce que le prestige du nom *Canadien* n'est pas grand, n'est pas plein d'espérence, plein d'un brillant avenir et d'une espérance immortelle ; pourquoi donc faudrait-il aller l'enfouir dans l'utopie de la Fédération Impériale.

J'ai souvenance, qu'un Canadien de renom, étant de passage en Angleterre, assistait à Londres, a une assemblée des partisans de la *Fédération* et qu'il leur disait.

"Si la Fédération Impériale est désirables, elle n'est pas réalisables," car vous n'ariez pas assez des 365 jours de l'année pour règler les contestations d'élection d'une semblable Fédération.

J'ai été heureux d'entendre, il y a quelques années, *l'Ex-Leader* des Communes, l'honorable Blake, dire qu'il était glorieux du nom *Canadien*, et que chaque fois qu'il aurait à voyager à l'étranger, il se ferait un légitime orgueil et une légitime ostentation, de proclamer qu'il est Canadien et habitant la Confédération de la Puissance du Canada.

J'ai été aussi heureux de voir que Sir Charles Tupper s'est carrément déclaré contre cette Fédération ainsi que l'honorables Chapleau : c'est toujours un bon point, pour le Secrétaire d'Etat, qui pourra lui effacer bien des mauvaises notes.

Oh ! si jamais, les partisans de la Fédération Impériale voulaient nous forcer d'adopter leur idée, il faudrait de suite l'extirper en adoptant l'union commerciale ; et vous le savez, honorables messieurs, l'union commerciale ne doit pas sourire à l'Angleterre.

En effet, un membre du parlement anglais, un ministre, un ex-ministre du présent gouvernement de l'empire disait dernièrement que cette Fédération Impériale était rien autre chose qu'un protêt contre les produits et les manufactures de l'Angleterre, et que cette "Union Commerciale" serait infailliblement suivi de l'union politique qui adopterait la doctrine Monroe dans toute son étendue

Et vous le savez, honorables messieurs, la doctrine Monroe fait réfléchir les Souverains de l'Europe au point que aucun d'eux n'a voulu intervenir, n'a pas voulu venir au secours d'un des leurs qui s'était aventuré dans le Mexique, qu'ils l'ont abandonné et qu'ils l'ont laissé tomber sous le plomb Mexicain.

Je n'en dirai pas davantage aujourd'hui sur cette Fédération Impériale qui n'est pas autre chose qu'une utopie.

Honorables messieurs, puisqu'il paraît définitivement arrêté dans les secrets du présent gouvernement de ne pas donner à ma Province, dans cette honorable Chambre, un Ministre français pour être l'organe de ses nationaux ; le gouvernene pouvait pas faire mieux que d'aller chercher pour *Leader* de cette honorable Chambre, celui que moi, pour un, j'ia contribué par mon vote à placer à la tête des citoyens de la métropole de la Puissance du Canada.

Je ne parlerai pas de la violation de l'usage et de la coutume qui à toujours été de donner alternativement à chaque Parlement pour l'une ou pour l'autre Chambre un Président parlant la laugue française.

Je ne parlerai pas de la violation qui avait été faite au brillant archevêque d'Halifax, feu Mgr. Connelly, en faveur des écoles séparées des Provinces Maritines.

Je ne parlerai pas de la foi jurée qui avait été de laisser aux Provinces la question civile du Mariage.

Je ne parlerai pas de la lanteur que

le gouvernemeut met à remplacer les sièges vacant du sénat.

Il est vrai que gouvernement nous a montré, dans certaines circonstances, qu'il savait mettre de la célérité et de la lenteur qui ne lui est pas falcultative. Au contraire, elle est une violation évidente de l'Acte britannique de l'Amérique du Nord qui veut que chacnn des tois groupes de la Confédération soit représenté par 24 Sénateurs afin d'être si je puis m'exprimer ainsi comme un poids pondérants contre la représentaiion basée sur la population dans les Communes.

Je vous avoue que si cette lenteur devait se continuer, je ne serais pas loin de désirer le système adopté à Washington pour remplacer les siège vacants du Sénat.

Je ne vous parlerai pas des empiètements que le gouvernement a fait sur les droits et privilèges des Provinces, et je ne sais où nous serions si ce n'ent été de la constante vigilance du Leader de la Province d'Ontario, ce gardien fidèle, ce père de l'autonomie des Provinces, qui par deux ou trois fois consécutives a roulé le présent gouvernement devant le Conseil Privé de Sa Majesté en Angleterre.

Mais je parlerai de la politique du gouvernement dans le Nord-Ouest. Avant, honorable meisseurs, laissez-moi vaus faire part d'un conversation que j'avais avec un gouverneur de la Puissance.

"Excellence, lui nisais-je, depuis que "nous avons le gouvernement respon- "sable, nous sommes heurreux de vivre "sous la protection, à l'ombre des plis et "des replis du glorieux pavillon Britan- "nique ; mais je lui dis de suite, sans "arrière pensée :

"Excellence, si nous avons rien à "envier à nos intelligents et industrieux "voisins, c'est probablement dû à leur "voisinage."

Son Excellence me regards et me dit : "Monsieur, je m'en vais, moi aussi, vous "dire, sans arrière pensée ce qui vous à "valu le gouvernement responsable, non- "seulement au Canada mais à chacune "de ces colonies sur l'une des quelles le "soleil ne se couche jamais : c'est notre "Insurrection de Trente-Sept.

"Je siégeais alors dans la Chambre "des Lords. Nous avons été surpris, "étonnés, même effrayés à la vue des "dépenses considérables que cette In- "surrection nous avait causées ; Insur- "rection qui, pourtant en soi était bien "peu de chose, même insignifiante, "comme vous le savez.

"Nous nous sommes dit : Qu'ad- "viendrait-il si chacune de nos colonies "s'avisait d'en faire autant ; nous ne "serions certainement pas capables d'y "tenir : c'est de leur donner de suite le "gouvernement responsable.

"Je dois de plus vous dire que nous "avons examiné vos griefs de 37. Nous "avons constaté qu'ils avaient été causés "par des serviteurs mal choisis, que "plusieurs même s'était rendus con- "cusionnaires publics ; serviteurs qui "sont souvent le funeste effet de ces "nominations politiques. J'ajouterai que "nous avons fait reviser les procès de vos "condamnés politics par des hommes "choisis dans le Conseil Privé de Sa "Majesté. Leur rapport a été que l'exé- "cution de ces hommes avait été des "meurtres judiciares et des assassinats "politics.

"Je dois de plus vous dire que nous, "en Angleterre, mais n'aurions pas "enduré la dime de ce que vous avez "souffert."

Eh bien, honorables messieurs, vous voyez que si nos devanciers de 37, avaient montré les mêmes craintes, les mêmes appréhensions, les mêmes pusillanimités que plusieurs de mes compatriotes qui se sont fait l'écho de ces feuilles volantes, de cette presse vénale, salariée et servile qui a retourné adorer ce qu'elle avait brûlé et qui a osé taxer de révolutionnaire ce mouvement constitutionnel que nous avons fait en faveur du Nord-Ouest, en faveur de ces pauvres Métis, de ces pauvres sauvages, de ces pauvres enfants de la nature, que la civilisation exploite, spolie et qu'elle recule d'année en année vers les extrêmes limites du nord ; nous ne jouirions pas aujourd'hui de cette belle constitution britannique qui fait la force, l'honneur et la gloire de l'Angleterre et qui iui excite l'admiration des nations civilisées ; les unes après les autres se hâtent d'adopter sa forme de gouvernement.

Eh bien, honorables messieurs, nous qui constituons le Parlement de la Puis-

sance du Canada, à la vue des deux insurrections du Nord-Ouest, n'est-il pas rationel de notre part d'imiter la conduite du Parlement Impérial et de donner aux habitants du Nord-Ouest, le gouvernement responsable, au fur et à mesure qu'ils seront en état d'en bénéficier.

Mais avant, mettons la plus stricte surveillance dans nos employés publics qui pour plusieurs ont été la cause de ces désastres.

Ne serait-il pas aussi rationel, de notre part ; au contraire, ne serait-il pas inconséquent, ne nous exposerions-nous pas à la réprobation publique en ne mettant pas de côté cet esprit de partie encroûté, cette aveugle et malheureuse discipline de partie tant prêchée par le présent Secrétaire d'Etat qui, lui, sait bien la mettre de côté quand il s'agit de ses intérêts domestiques, pour lui, pour les siens et pour ses amis.

Voyez avec quelle assurance il faisait appel à cette discipline de partie dans la Session de 1884, probablement, pour faire mettre de côté une motion qui demandait une enquête sur le Nord-Ouest; enquête qui, si elle eût été accordée, aurait épargné ces désastres qui sont venus fondre sur la Confédération. Oui, le présent Secrctaire d'Etat disait avec une assurance qui dénote je ne derait pas une ignorance crasse, mais une absence complète des devoirs du gouvernement.

Les Métis Français, disait-il, sont bien traités, ils n'ont pas de raison de se plaindre ; preuve, c'est qu'ils n'ont signé aucune petition, envoyé aucune délegation, tandis que tout le contraire existait, tandis qu'il y avait plus de 65 pétitions couvertes de poussière, couchées dans les tiroirs des bureaux de son collègue le Ministre de l'Intérieur ; et ces ineffabilités, il les écrivait à ses compatriotes des Etas-Unis, qui, probablement, lui demandait justice pour ses concitoyens du Nord-Ouest.

Plus que cela encore, dans un voyage qu'il fit en France, la remeur rapporte qu'il disait dans les salons, dans les hôtels, et dans les rues de Paris, a qui voulait l'entendre : " Les Métis Français " n'ont pas raison de se plaindre, au " contraire ils sont bien traités. Aussi " leur chef, Riel, le traître, est enfin " tombés dans les filets du gouverne- " ment ; or, cette fois-ci il n'échappera " a pas à ses griffes."

Probablement que c'était pour étouffer la sympathie qui se manifestait chez les fils de nos pères, en faveur de leur arrière-petits-fils dn Nord-Ouest.

Curieuse concidence, on dirait que tout l'odieux de la politiques du gouvernement dans le Nord-Ouest pèse sur les Ministres de la Province de Québec. Dans le même temps, presque dans le même temps, le Ministre des Travaux Publics, Sir Hector Langevin qui se constitue le chef de sa Provice dans le gouvernement de la Puissance disàit a ses compatricotes : " Ne faites pas d'agitation, ne signez pas de pétition, Riel ne sera pas pendu."

Plus tard le télégraphe de Winnipeg nous apportait la nouvelle que le Ministre de la guerre avait assisté dans un dîner donné par les orangistes vers le huit heures du soir sur la rive opposée à portée de l'écho de la voix, de la mère, de l'épouse, des enfants éplorés du condamné qui gîchet dans les cachots de Régina sous les poids de fers et qui était rendu au troisième surcis de son exécution et que dans ce dîner, au milieu de la fumée du champagne, un bruit du cliquetis des verres, le Ministre de la milice et de la défence se serait oublié et aurait laissé tomber de ses lèvres ces paroles terribles : " Point de trève pour les traîtres, ils subiront le sort de la loi," et le lendemain matin, à huit heures précises, le chef des métis était jeté dans l'espace et se balançait dans les airs entre le ciel et la terre. Paroles terribles, je n'y ai pas cru et je n'y crois pas encore ; car je ne puis pas penser que le fils d'nue de nos gloires nationale ait pu s'oublier jusqu'a ce point ; et si tel était le cas, cela nous ferait voir que la bonne réputation d'un père n'est pas un certificat de bonne conduite pour le fils.

Je ne parlerai pas du quattième ministre de la Province de Québec. On sait tous que ce n'est pas un de Nelson, que ce n'est pas une Dewid, que ce n'est pas un Lesley, que ce n'est pas un Holton. Je suis même surpris que la minorité Anglaise qu'il représent et que parle la langue de Shakespeare, des Bayrme et des Milton, la tienne si longtemps dans ce poste d'honneur qui lui a

permis d'occuper *par interim* le forte feuille d'agriculture et celui des chemins des fer : position qui lui a facilité la vente une chemin de fer qui lui appartenait, sous prétexte d'en faire un anneau du Pacifique pour le faire passer sur une terre étrangère. Le temps nous dira si la vente de ce chemin de fer a été pour l'intérèt de la Confédération ou pour le fonds commun des élections.

Ici, honorables messieurs, à la vue du Bill de reprisailles des nos voisins, le Gouvernement doit voir, doit s'apercevoir qu'il a fait une grosse erreur de jugement en fournissant des argents à une compagnie de chemins de fer et en lui permettant de passer sur un territoire étranger ; surtout lorsque le gouvernement de l'Union des Canadas n'avait pas voulu construire l'Intercolonial sur les confins de la Province de Québec en vue de évantualités malheureuses.

Eh bien ! honorables messieurs parce que nous, de la Province de Québec, à des exceptions près, nous n'avons pas voulu passer une éponge sur la conduite du gouvernement, notamment sur les Ministres de la Province de Québec ; voici que les journaux les plus accrédités du gouvernement publient des lettres vraies, feintes ou supposées des chefs, nous menaçant des menaces les plus terribles et de mille et de mille autres ineffabilités que je ne citerai pas ici parce que la plupart sont imparlementaires.

Seulement, je vous citerai celle-ci : "Les Canadiens-Français, nous n'en avons plus de besoin, et si parmi les vingt-quatse qui ont osé télégraphier à Sir John qu'ils ne pourraient pas le suivre sur l'échafaud de Régina, il y en avait qui eussent la velléité de revenir supporter Sir John, qui eussent la velléité d'imiter la conduite du chien fidèle qui lèche la main de celui qui le frappe ; nous ne les recevrons pas, tout au plus, nous ne les tolèrerons pas, jamais, nous les avertissons d'avance, que nous ne tuerons pas pour eux le veau gras."

Les ingrats, ils comptaient, pour nous faire ces menaces, sans les nobles Anglais, les braves Ecossais, les enfants de la belle et verte Erin qui ont choisi le Canada pour leur patrie d'adoption et qui sont disséminés sur les différentes Provinces de la Confédération.

Ils ne s'attendraient pas aux paroles sympathiques d'un Ex-Procureur-Général Ecossais protestant, d'un Colonel Rowne ; ils ne s'attendaient pas à la lettre phylanthropique et patriotique d'un sénateur protestant d'une des provinces les plus éloignées de la Confédération, qui écrivait au *Globe* de Toronto : "Les Américains se sont brouillés, avec leurs ancêtres, pour la valeur de la pesanteur d'une livre de thé, d'une livre de savon, d'une livre de suif, d'une livre de chandelle, *a fortiori*, moi, je suis excusable si je ne puis pas suivre mes amis sur l'échafaud de Régina."

Eh bien ! honorables messieurs, c'est de nous faire de nouvelles alliances, de nous trouver de nouveaux chefs, mais, de grâce, n'allons pas les chercher dans les rangs des sociétés recrêtes ; car, vous le voyez, ces sociétés secrêtes sont implacables, elles n'ont pas d'entrailles ; au contraire, elles ont des règles de fer, devant lesquelles tous doivent venir se briser, même celui qui les a menés à la victoire avec ses alliés de la Province de Québec.

Oui, Sir John McDonald est incontestablement un des hommes les plus roués, les plus rusés, les plus astucieux et un des plus habiles politiciens de l'Amérique Britannique, et cela, au dire des hommes les plus experts.

Un gouverneur de la Puissance me disait, un jour :

"Monsieur, il est plaisant, pour un représentant de notre Anguste Souveraine de venir, ici en Canada, occuper une place de Gouverneur ; car vraiment, il n'y à rien à faire, absolument rien, il n'y a qu'à laisser faire. Ah ! si alors, il m'eut été donné de lire dans l'avenir, je lui aurait dit que Lord Elgin, d heureureuse mémoire, que Lord Dufferin, n'aurait pas laissé faire l'échafaud de Régina, pas plns qu'il n'a pas voulu laisser faire celui qu'on voulait ériger à Winnipeg, pas plus qu'il ne peut pas approuver le gouvernement Salisburro, qu'il ne veut pas faire à l'Irlande ce que l'Angleterre a fait pour ses colonies, qu'il ne veut pas donner à l'Irlande son autonomie, son Home Rule et qu'il la traite d'une manière qui jette des nuages très-sombres sur le puissant, sur le glorieux et le brilliant empire, qui, chaque fois qu'il a voulu marcher avec son a liée naturelle, la France, a émerveill le

monde de leur victoires et fait trembler les souverains et leurs gouvernements sur le sort qu'ils pouvaient leur faire.

Oui, cet excellent Gouverneur me disait, vous avez des hommes si bien versés dans le droit constitutionnel, que plusieurs pourraient avec avantage siéger dans les parlements de l'Europe. Vous avez, d'un côté, Sir George Etienne Cartier, Sir John MacDonald, l'Honorable Monsieur Campbell, l'Honorable Monsieur Tupper, l'Honorable Monsieur Tilley. De l'antre côté vous avez l'Honorable Monsieur Brome, l'Honorable Monsieur Dorion, l'Honorable Monsieur Mackenzie, l'Honorable Monsieur Houlton. Il vrai que le fils du grand chancelier, que l'émule de Lafontaine et de Baldwin n'avait pas encore fait son apparition sur la scène politique.

Je ne reconnais, me disart toujours cet excellent Gouverneur, de supérieur à Sir George Etienne et à Sir John MacDonald, en Italie que Cavour ; en France, que Guizot ; en Prusse, que Bismarck ; en Angleterre, que Gladstone et Disraeli plus tard devenu Beckenfield. Oui, Gladstone un des plus grands hommes de l'Angleterre contemporaine ; je pourrais même dire, sans crainte de me tromper de l'Angleterre ancienne et moderne.

Honorables messieurs, si le duc de Newcastle eût vécu il n'aurait jamais conseillé à Celle qui préside si dignement aux destinées d'Albion, l'Impératrice des Indes, de se départir de sa clémence royale en faveur de son présent représentant dans la Puissance du Canada, parce qu'il a pour aviseur un gouvernement a la tête duquel est le même homme qui avisait Sir Edmond Head pour la Province d'Ontario, lors du voyage du Prince de Galles en Amérique.

Oui, le duc de Newcastle aurait dit à notre gracieuse Souveraine que Sir John avait alors été impuissant pour empêcher ses amis les Orangistes de faire passer son fils ainé, l'héritier presomtitif de sa courrone sous leur arc-de-triomphe à Kingston et que lui, duc de Newcastle avait été obligé de faire l'impossible pour l'y sus-traire.

Oui, le duc de Newcastle aurait dit à notre auguste Souveraine que Sir John serait encore aussi impuissant pour empêcher ses amis les Orangistes d'etouffer la voix de la presse, ce puissant levier de la liberté des peuples ; la voix de la presse des plus fortes nations de la terre, des nations les plus civilisées, notamment le voix de la presse de la République voisine, la plus vaste des temps modernes ; de cette République qui semble croître et grandir en traversant les âges et en s'avançant dans la postérité. Oui, la voix de cette presse a conseillé au Gouvernement Canadien de pardonner au chef Métis ; elle lui a dit d'imiter leur exemple : q'ueux avaient bien pardonné aux généraux de la guerre de sécession, guerre qui avait fait couler des flots de sang, guerre qui les avaient entraînés dans des millions et de millions de dépenses, plus que des millions, dans des milliards et de milliards et sous les coups desquels ils sont encore occupé à solder et cependant ils son contents, heureux, satisfaits, d'avoir pardonné. Oui, la voix de cette presse a dit au Gouvernement Canadien qu'un des plus beaux fleurons de la courrone de leur généralissime, qui vient de descendre dans la tombe, au grand regret de son pays, avait été de pardonner, d'user de clémence envers son adversaire, Jefferson Davis.

Oui, le duc de Newcastle aurait dit à notre gracieuse Souveraine que Sir John serait encore aussi impuissant pour empêcher ses amis les Orangistes, de mépriser le plus beau privilège de la Constitution Britannique qui permet à chaque sujet de Sa Majesté le droit de pétitionner, et on sait s'il y en a eu des pétitions : il y en a eu d'ue société royale de l'empire ; et on sait s'il y en aurait eu de la part des deux millions de Canadiens-Français qui sont répandus sur la surface du Nouveau-Monde, si comme je l'ai dit plus haut le Ministre des Travaux-Publics, Sir Hector Langevin, qui est considéré comme le chef de sa Province dans le gouvernement de la Puissance n'avait pas conseillé à ses compatriotes de ne pas faire d'agitation, de ne pas signer de pétition parce qui Riel ne sera pas pendu.

Est-ce un conseil perfide ou un conseil sincère ? Je crois qu'il était sincère, car le Ministre des Travaux Publics savait que le jury du condamné n'avait pas été un jury de son choix, n'avait pas été un jury de sa nationalité, n'avait pas été un

jury de sa congré gation religieuse, n'avait pas été un jury qui parlait sa langue ; et néanmoins, ce jury l'avait recommandé à la clémence.

Oui, le duc de Newcastle aurait dit à notre Auguste Souveraine que Sir John serait encore aussi impuissant pour empêcher ses amis les orangistes de déchirer le Code politique des nations civilisées qui depuis un demi-siècle ne permet plus la peine de mort pour des délits politiques.

Aussi le ministre plénipotentiaire de Washington, en France appelé à prendre la parole devant les membres de la municipalité de Paris, disait deernièrement : " Je ne reconnais au monde que " deux contrées qui, depuis un demi- " siècles ont osé s'arroger le droit de vie " et de mort sur leurs semblables pour " des délits politiques : le Mexique, et " la Confédération du Canada. Encore, " au Mexique, je ne sache pas que " depuis la mort de Maximilien, on ait " osé s'arroger ce droit."

Honorables messieurs, je veux être juste, je veux rendre à Cèsar, ce qui appartient à Cèsar. Si le gouvernement eut fait dans le Nord-Ouest, avant le 16 Novembre '85, ce qu'il a fait depuis, et ce qu'il parait disposé de faire, dans la personnes de l'actif, de l'infatigable Ministres de l'Interieur, qui par ses voyages multipliés dans le Nord-Ouest, démontre à l'évidence qu'il veut voir de ses propres yeux le agissements de ses employes, qu'il veut entendre de ses propres oreilles les réclamations des pétitioners. Moi je n'aurais pas la douleur, de dire au chef du gouvernement, qu'il doit s apercevoir, si déjà il ne s'en est pas aperçu que ses collègues de la Province de Québec, n'ont plus par derrière eux cette phalange compacte qui le menait à la victoire et qui ne la jamais abandonné sur la brèche dans la bonne comme dans la mauvaise fortune.

Moi pour un, je n'aurais pas la douleur de dire au gouvernement notamment aux Ministres de la Province de Québec, Qu'ils n'aillent pas s'illusionner, qu'ils n'aillent pas, je ne dirai pas croire, mais qu'ils n'aillent pas même penser que l'échafaud de Régina disparaîtra comme un feu de paille. Non, jamais, non, certainement non, jamais.

Qu'ils se rappellent que le prince des poètes modernes, a dit, dans des vers énergiques, à l'occasion de l'assassinat du Duc d'Anguin par Napolon Ier :

" Le temps efface tout—tout, excepté le crime !"

Je termine, honorables Messieurs, mais avant que de prendre mon siège, avant que de m'asseoir, j'ai souvenance qu'un vaillant chevalier, Sir George Etienne Cartier, disait au début de la Premiére Session du Premier Parlement de la Confédération probablement à la vue des misères qu'on lui faisait : " Que l'on " réfléchisse bien que les partisans de " partie qui nous divisaient sous l'Union " des Canadas, n'ont plus leur raison " d'êtres sous la Confédération."

Je comprends aujourd'hui toute la véracité de ce conseil que cette homme d'état donnait à des jeunes de son temps : " Ne venez pas dans la vie pub- " lique avant d'avoir pu asseoir vos for- " tunes sur ne bases solides.

" Pour moi, si j'ai un regret à me " faire dans la vie politique, c'est d'y être " venu trop tôt, avant que d'avoir pu " asseoir ma fortune sur des bases " solides. Car, j'aurais pu servir mon " pays avec encore bien plus d'avantage. " Mais j'ais crû céder aux pressantes " sollicitations de Sir Hyppolite Lafon- " taine, de l'Honorable Morin, de l'Hon- " orable Caron, de l'Honorable Lesley, " qui se désistait de son portefeuille de " ministre en ma faveur et qui me cédait " son comté, le plus français des comtés " de la Province de Québec, comté que " représente aujourd'hui, un ex-ministre, " l'Honorable Geoffrion."

J'ai encore souvenance q'un autre vaillant chevalier, le président de pères de la Confédération, Sir Etienne Pascal Taché, disait à ses amis et à ses adversaires : " S'il y a un temps pour céder, " il y a aussi on temps pour résister."

Je sais qu'il y a des exceptions prés ; je sais qu'il y en en a que peuvent s'adresser ce couscil perfide que Lord Durham donna à l'Angleterre dans son Pamphlet sur les Relations de son voyage en Canada.

Si vous voulez, dit it à l'Angleterre, diviser les Canadiens-Français, donnez-leur des places honorifiques et lucratives. Oui, je sais qu'il y en a qui convoilent ces places et qu'en vue de ces convoitises ils craignent et crain-drout de déplaire

au gouvernement qui en dispose, comme autrefois Pilate craignit de déplaire à César ; mais pour nous, à l'instar de la majorité de notre Province, à l'instar de la majorité des gouverements des différentes Provinces de la Confédération, nous serous fidèles à la vieille devise : " Fais ce que dois et advienne que pourra."

Je termine et je laisse à l'histoire le soin d'appliquer, à qui de droit, le conseil perfide de Lord Durham ; et, en terminant, je fais des souhaits et des vœux, pour que le Conseil de la Nation, sans ostentation de la conscience de son devoir, sans ostentation de la conscience de sa dignité fasse des lois pour assurer l'indépendance des membres du Parlement, afin de les délivrer des incessantes obsessions des brocanteurs de concience.

Pour cela, il faudrait que tout député qui se charge de présenter ou supporter les mesures, le fit sans promesse et sans attente de rémunération ; que tout député ne devrait faire partie d'aucune corporation recevant des subsides de l'état, que tout ministre ne pourrait faire aucun contrat ni aucune transaction sans pousser attente récompenne pas même pour le fonds cummun des élections ; si non, qu'il perdrait son siège et serait disqualifié pour la durée de son mandat. Il faudrait aussi amender la loi des élections, de manière à ce que celui qui reçoit de l'argent pour donner son vote fût puni de la même manière que celui qui la donne ; car il est pénible de voir que hommes qui son appelés à faire usage d'un des plus beaux privilège de la constitution britannique qui leur permet de choisir eux-mêmes leurs fonctionnaires publics, ne veuillent le faire qu'en autant qu'on les paye.

Il faudrait aussi que le candidat ne fut pas rendu responsable, victime des fautes de ses argents et de ses amis non-autorisés ; fautes qu'ils feraient à l'insu et malgré la défence du canditat.

S'il n'en est pas ainsi, honorables messieurs, cessez d'espérer de voir venir dans le couseil de la nation de ces hommes probes, désintéressés, independants et de capacité supérieure; éloignés, dégoûtés, si je puis m'exprimer ainsi écoeurés qu'ils sont des élections, persuadés de la véracité de ce proverbe latin : *Primo vivere;* et à cette occasion, honorables messieurs, il serait désirable que les conseillers de la nation fussent légitimement payés ; que les ministres fussent logés aux frais de l'état, car il n'est pas juste de faire venir d'une province et de l'autre de la Confédération, souvent à des distances éloignées, des hommes pour remplir des positions qu'ils ne sont pas certains d'occuped, je ne dirai pas, l'espace d'un parlement, mais d'une, de deux on trois sessions et qui sont obligés d'acheter on de louer de propriétés confortables et dispendienses qui peuvent leur rester sur les bras d'une heure à l'autre. C'est ce que faisait judicieusement observer un gouverneur de la Puissance. Je pense bien qu'on va dire que je vise à une place de ministre ; jai eu déjà occasion de le dire et je le répète encore, je suis à l'apogée de mes désirs et je ne crains pas de déclarer qu'il y aurait pour moi témérité d'aller au-delà. Lors même qu'il me serait permis d'avoir cette noble et légitime ambltion de devenir ministre, je m'illusionnerais, car d'après l'ordre naturel des choses, d'après le nombre des années qui pèsent sur ma tête, je suis bien plus près de la tombe que du berceau ; je suis dans un âge qui me permet de voir de bien près la tombe ; je suis, comme l'a dit un poète, dans un âge où l'âme recueilli a besoin de se souvenir. Oui je suis dans un âge qui me permet et qui me force de faire de sérieuses réflexions sur les sublimes paroles que prononçait il n'y a pas encore bien des années, un de nos illustres hommes d'état, à ceux qui l'entouraient dans ses derniers moments : " Que me servirait, aujourd'hui, d'avoir été ministre, présentement, premier ministre de mon pays, si je n'avais pas aimé mon Dieu."

Je sais que des capitallistes, des millionnaires, s'adjoindront des chercheurs de popularité, des populaciers vint réclamer contre la proposition que j'ai émise de payer légitimement les délégués de la nation. Mais, que ces Messieurs sachent que nous connaissons leurs jeux, que nous savons qu'ils voudraient s'accaparer les sièges de l'Etat pour manipuler les lois à leur façon ; qu'ils sachent que que les électeurs sont plus logiques qu'ils le pensent ; qu'ils sachent qu'ils savent juger par analogie ; qu'ils connaissent lorsqu'ils voudront se procurer

de bons et fidèles serviteurs, qu'il faut qu'ils les payent légitimement et souvent bien cher ; qu'ils sachent que dans le parlementarisme de ma Province de Québec, bien avant l'Union des Canadas, des hommes de leur acabit s'étaient avisés de ne pas payer les membres du parlement et qu'il a fallu toute l'énérgie des homme du jour pour déjouer leurs projets astucieu ; qu'il leur a fallu déléguer en Angleterre un des leurs, feu l'honorable Denis Benjamin Viger, pour aller plaider justice au pied du Trône, devant le Conseil Privé du Souverain d'alors.

Je termine, honorables messieurs en empruntant l'expression d'un grand personnage historiques que vous connaissez, qui disait dans une circonstances solonelle : " Honi soit qui mal y pense." Eh bien, oui, honnis soient a ces capitalists, ces millionaires, ces chercheurs de popularité, ces populaciers,..qui mal y pense.

HON. MR. POWER—I am rather surprised that hon. gentlemen on the other side of the House seem disposed to allow the very able speech of the hon. gentleman from Ottawa to pass without any observation. I know that the practice of debating the Address at any length has ceased to be fashionable, but we have in this House in the past not followed the example of the House of Commons. We have here as a rule debated the Address at some little length. I think the speech of the hon. member from Ottawa was one of the most eloquent and forcible that have been heard in this House for a long time, and I must repeat the expression of my surprise at the fact that the Government propose to let that Speech go unanswered. I had the misfortune to differ from the hon. gentleman from Ottawa a year ago on this fisheries question. I thought then that it was the duty of Canada to uphold all her rights as vigorously as possible. The Government at that day declared that such was their policy. I endorsed it ; and I regret to feel to-day that the Government are in the position of asking us to adopt a policy which is hardly in line with that which they proclaimed a year ago. I shall not trouble the House with many observations as to the Speech from the Throne as a whole. I concur in all that has been said by the hon. member from Ottawa as to His Excellency, who is so soon to leave us, and I concur in what he said of the skill and ability of the "old Parliamentary hand," who moved the resolutions in reply to the Speech from the Throne. It is to be regretted that we who speak English are not as a rule so well qualified to understand what our French brothers say as they are to understand us ; because I think that the French members both in this House and in the House of Commons are—if not born, at least educated orators—orators at any rate. The compliment paid to the hon. gentleman who moved the Address is due also to the hon gentleman who has just resumed his seat, and my only regret is that we hear from him so seldom.

As to the Fishery Treaty ; while I concur, as I have already intimated, with the hon. gentlemen from Ottawa in most of what he has said, I feel that it is a difficult thing to discuss an important instrument of that sort with so little information under our hands ; and we shall be able to discuss it better when all the papers are before us. We shall then be able to see the difficulties which stood in the way of our negotiators better than we can now ; but we are invited in the Speech from the Throne to consider this Treaty. The Treaty itself has been laid before us, and that is the net result of the negotiations. The hon. gentleman who moved the Address in reply to the Speech from the Throne spoke of the distinguished ability of Sir Charles Tupper and the Ministers of Justice and Marine and Fisheries. I do not question the ability and the good intentions of those gentlemen ; but it does not follow that, because they are all very superior men, therefore the result of their labors is something with which we have much reason to be pleased. We have a higher authority than anyone here—a better criterion to judge of men than any that can be given here. We are told that " by their fruits ye shall know them." It does not matter who made this treaty ; we are to judge of their labors by the result ; and I must confess that I think the result in this case is not one to be

very proud of. Although I am not a great admirer of the Minister of Finance; I knew that he was a man of resolution, courage and tenacity; and I hoped when he was appointed one of the British Commissioners that the treaty would have been satisfactory to Canada. I do not now think that the treaty is one which we can look at with satisfaction. My own honest conviction is this, that Sir Charles Tupper fought for a long time to get a respectable treaty, and I presume the other British Commissioners were anxious to get a treaty which they could point to with some satisfaction; but after the lapse of several weeks they found that, in the existing condition of political sentiment in the United States, it was impossible to get such a treaty as we ought to have been asked to assent to; and then at the close, probably in order to satisfy the English Commissioner who did not wish to go home without having done something, they agreed to this make-shift treaty. I think that is probably what has taken place; because I have rarely seen a more striking instance of the mountain in labor bringing forth only a mouse. I do not know that it is worth while going into the minute anatomy of the mouse; but there are one or two omissions from this treaty that must necessarily strike one. It seems that from the beginning, the rule which has prevailed in all negotiations between England and the United States prevailed here. In the first place, the United States decided what was to be considered by the Commission; and why was that? The fact was simply this, Canada had enforced her rights in her own territorial waters in a way in which she was entitled to enforce them; and the consequence was that our American neighbors found that there were certain things which we had that they wanted to get, without paying for, and that they could not have them; and, in order that we might not continue to retain control of our property, and that the Americans might get a good deal of what we had and they wanted, they consented to this Commission, but would not consider anything except those things which their own people thought desirable. If the rights of American fishermen in the Atlantic waters, and if their inconveniences and grievances were a matter for a treaty, how about the outrages that have been perpetrated upon Canadian fishermen in the Pacific waters?

HON. MR. MCINNES (B.C.)—Piracy.

HON. MR. POWER—How about the outrages perpetrated by American cutters upon our fishermen in Behring's Sea? I cannot understand how the Canadian and British Governments could have concurred in entering into negotiations respecting the fisheries on one side of the continent and omitting to deal with the important fisheries on the other. That is one of the points as to which I think the hon. gentleman who leads the Government in this House should give us some information.

HON. MR. INNES (B. C.)—We did the same in 1871, precisely.

HON. MR. POWER—The hon. gentlemen from Ottawa, referring to the speech made by the hon. gentleman who moved the Address in reply to to the speech from the Throne, asked the Government to point out what concessions the United States have made; and I think that is something which has not yet been done, and cannot be done. I do not, mean to say that the treaty is vicious in every particular; I think the treaty does not amount to very much one way or the other; but it does not involve a giving way in any particular on the part of the United States. I have heard gentlemen say—gentlemen whom one would suppose to know better—that the United States had given way to England on the headland question. That is not a correct statement of the case. The United States, as to their own territory, have always upheld the same view as to the headland question that England has maintained as to Canadian waters; and the Treaty goes a certain distance in the same direction. The Treaty does not go as far at all as the United States have gone in claiming territorial jurisdiction over bays, For instance the United States claim exclusive jurisdiction over Delaware Bay which is more

than 20 miles wide ; and they claim exclusive jurisdiction over the Gulf of Mexico from the mouth of the Mississippi to the most southern Cape of Florida. There is nothing in the Treaty which gives to England any such rights as those ; but I am free to say that, as to the headland question and the three mile limit, I think the provisions of this treaty may be regarded as a reasonable compromise. I think that the United States have not given up anything, and England has given up something ; but at any rate, an agreement has been reached as to the meaning of the three mile limit, which is calculated to prevent difficulty in the future. I mean that a reasonable conclusion has been reached ; and the enumeration of the different bays, which is embodied in the treaty, and which, probably, my hon. friend from Ottawa has not examined carefully, shows that, as to the majority of the bays or at any rate of the important ones along our coasts, the reasonable rights of our people have been maintained. But I wish to repeat that in that matter the United States have surrendered nothing and we have not got anything. We claimed more than they now recognise our title to ; and we have taken a little less than we claimed; but we have reached a sort of understanding, and that is a desirable thing in the interests of peace ; and on that particular feature of the treaty I do not think the Government are open to any reproach.

Article IV. enumerates a number of bays to which the preceding article applies. I have gone over those bays on the map ; and while I think that there are other bays which might have been added ; still as far as the article goes I deem it satisfactory enough.

Article V. is a little obscure. Probably the leader of the House will explain it to us later on. It does not seem to me to add anything to the meaning of the preceding articles. There is one article to which attention should be called, Article IX which provides :—

" Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States."

With that tendency which the Americans have to claim everything and yield nothing, I presume that, if we come to interpret this treaty hereafter, they will claim that Article IX gives them the right in perpetuity to navigate the Strait of Canso free from any control whatever from the Imperial or Canadian Government ; and I think that it is to be regretted that that clause was worded in that way. I can give hon. gentlemen an instance in which difficulties might arise under that article. Previous to Confederation, if I am not misinformed, the Government of Nova Scotia levied light dues on American vessels passing through the Strait of Canso.

HON. MR. HOWLAN—All over the Province for every lighthouse.

HON. MR. POWER—The Government of Nova Scotia levied dues on vessels going through the straits. It may be that at some future day the Government of Canada may think it wise to adopt that policy, and levy dues on other vessels going through the straits ; but under the wording of this article I fear it will be out of their power to do that with respect to American vessels. There is another feature in connection with the Strait of Canso which, as the United States Senate will probably not ratify this treaty, the Government may have an opportunity of considering. The leader of the Government knows that it has been proposed to build a railway bridge across the Strait of Canso ; but I think that, under this clause, a very considerable difficulty may arise as to the construction of that bridge. The United States might hold that the building of the bridge is an interference with the navigation of the Straits.

HON. MR. HOWLAN.—Better build a subway.

HON. MR. POWER.—We shall wait until the honorable gentleman has built his subway before undertaking another.

With regard to Article X ; while I think it is good in principle it is liable to be abused. No doubt it does seem an unneighborly and almost inhuman thing to refuse to allow vessels to put into harbors to get supplies ; but

our experience of our neighbors across the border is that kindness is thrown away on them and that it is likely to be abused.

Article XI is like Article X—it is good in principle, but liable to be abused. There is one point of some considerable importance, to which I think the attention of the House should be directed, and that is, permitting American fishermen to come into our harbors and transship their fish. Hon. gentlemen must remember that American fishermen operate in the same waters as our own, and sell their fish largely in the same market, and so they are competing directly with us. Further, the Canadian fishermen pay a heavy duty on their fish going into the American markets, and American fishermen do; not, and the strict insistance on our rights which the Government have practised during the last year has had the effect of putting our fishermen, notwithstanding that duty, upon nearly an equal footing with American fishermen. What is the effect of this article? It allows an American fisherman fishing near the Strait of Canso, to come in after loading his vessel, and ship his fish by rail at Port Mulgrave to the United States, and then go back and fish; whereas if he had not the right to transship at a Canadian port he would have to return to Gloucester or Newbury port to unload his cargo, before he could return to the fishing ground. One of the advantages of this article to the American fisherman is that his vessel may make two fares where she could before only make one.

Article XIII. is a very proper article indeed. It is not of much consequence; still it is a very proper thing that American fishermen should carry about them some index to their character.

Article XIV. also seems a not unreasonable provision; and Article XV. if it ever comes into operation, will be advantageous. But whatever may be said about the treaty, it does not contain very much one way or the other. There is this to be said of it, that we give it up a good many of those privileges which the American fishermen are anxious for, and thus abandon some of the levers which we had to bring about concessions to our own people. In 1854, as it has been well remarked, we got reciprocal trade with the United States in return for the fishing rights surrendered; under the Washington Treaty we got the right to send our fish and fish oil into the United States free of duty, and we got four and a-half millions of dollars besides. This time, for what we give up we are getting nothing. We are getting no reciprocity, we are getting no free fish, we are getting no money; so that we would appear to be advancing backwards in bargaining with our neighbors. But the *modus vivendi* proposed by the British Plenipotentiaries after the treaty had been signed is more objectionable by far than the treaty itself. It provides that for a period not exceeding two years, the American fishing vessels shall be allowed to purchase bait, ice, seines, lines and all other supplies and outfits, to transship their catch and ship crews; most important privileges which will enable the American fishermen to compete with our own fishermen in our own waters; and what is the consideration we receive for that two year's grant? It is a license fee of $1.50 per ton. Canada has had experience of license fees already. In 1869 and '70 we had those licenses, but they were found so unsatisfactory that the Dominion Government refused to continue that system any longer. It was then found that as a rule American fishermen did not pay the fees, and—supposing they now pay—a duty of $1.50 per ton would amount, on an ordinary American fishing schooner of eighty tons, to $120; and that same schooner if she were fortunate in her venture would probably catch—if she were after mackerel—from 600 to 800 barrels of fish, the duty on which would be from $1,200 to $1,600, so that while the Americans under the present arrangement pay only $120 license fee, our fishermen would pay on what that vessel caught an immensely larger sum. In the case of codfish the disproportion would be almost in the same ratio.

At this rather late hour I do not propose to say anything more about the treaty. As to the other matters which are referred to; I can only say that the extension and development of our railways call for

additional safeguards for life and property. These are proper subjects for legislation. As to the alterations that are promised to the Election Law and the Law Respecting Controverted Elections, we shall be better able to judge of them when they are before us. No doubt those laws require amendment, and whether the amendments which the Government propose will be desirable amendments or not, we are not now in a position to judge. As to the Franchise Act, I am glad to see that the logic of events has driven the Government to concur in the views expressed by the Opposition with regard to this abominable Act. We contended that it was too expensive to work. The Government have shown their concurrence in our views on that point, inasmuch as they have for two years in succession decided not to carry the law out, and not to revise the electoral lists; so that an election run during the current year would be run on the lists of three years ago, and a vast number of people through the country who, under the Franchise Law, would be entitled to vote during the coming year, are disfranchised. I quite agree with the hon. gentleman from Ottawa in thinking that the better way would be to repeal the Act altogether and go back to the Provincial Franchise; or, if that were not done, to resort to manhood suffrage.

It is proposed that a Bill shall be submitted to Parliament making applicable a number of the laws of England to Manitoba and the North-West Territories. The paragraph goes on to say that those laws have not been made the subject of Canadian legislation. I would humbly suggest to the hon. gentleman who leads this House, and who is himself so good a lawyer, that, if those laws are good in England and are desirable for our North-West Territories, it might be as well to apply them to the rest of the Dominion.

The last paragraph of the Speech which is addressed to us in common with the House of Commons, says that a Bill will be presented respecting the auditing of public accounts. I hope that Bill will not be one which will be calculated to cripple the Auditor-General. That officer has been exceedingly useful; and, if he has occasionally thwarted the Government in doing things which they desired to do but ought not; I hope they will not so cripple him as to impair his usefulness in preventing misdoings in the future. I do not know whether there is any secret sarcasm conveyed in the reference of His Excellency to the "due regard to economy" in preparing the estimates for the coming year, because I have heard that reference in the speech every year, and I do not think any gentleman in this Chamber has been able to discover during the time hon. gentlemen opposite have been in power, the slightest regard for economy in the administration of their Departments.

HON. MR. KAULBACH moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Monday February 27th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THE ADDRESS.

ADOPTED.

The order of the day having been called,

Resuming adjourned Debate on the motion of the Honorable Mr. Ross (de la Durantaye) for an Address to His Excellency the Governor General in answer to His Excellency's Speech on opening the Second Session of the Sixth Parliament.

HON. MR. KAULBACH said:—I feel that I owe an apology to the House for prolonging this debate to-day, having moved its adjournment, especially as it is not my intention to go into a discussion on the merits or demerits of this most important question, the Fisheries Treaty. I would have preferred to see

this debate closed on Friday. It is the usual custom, a custom which ought to be adhered to, that after the mover and seconder of the address have spoken and the leaders on both sides, the debate should terminate. I expressed my desire at the time that it should be so, and I had hoped that that would be the result. I was only impelled to move the adjournment of the debate in consequence of that usual course not being followed and six o'clock having arrived and the leader of the Government not having spoken. Coming, as I do, from a county which is largely interested in the fisheries question—having nearly as much interest in it as the whole of the rest of Nova Scotia—I felt that silence on my part might be improperly construed; therefore I rose at that time simply, in the most emphatic manner, to express my disapproval of the discussion that had taken place without having the papers before us. I then, as well as now, considered it unwise and impolitic to open a discussion on the treaty which we all should hope is an honorable and final settlement of a long standing controversy. The reference to it in the Speech from the Throne simply announced that in a few days the treaty and the correspondence connected with it would be before us; therefore I was much surprised to find the leader of the Opposition, knowing as he well does the fitness and propriety of things, attempting to discuss a question in the haphazard way which he necessarily had to do when the matter was not before us. My hon. friend told us that he had just that morning seen something of it in a paper. I am not aware what that paper was.

HON. MR. SCOTT. — A Government organ.

HON. MR. KAULBACH.—I do not know which is the Government organ, they have so many organs; and I do not know that any organ had authority to publish the treaty officially. My hon. friend announced that he had that day casually taken it up and had within a few hours mastered the whole subject, and came here deliberately to denounce a treaty which had for months received the earnest deliberations of leading statesmen of England, one of the most prominent men in the Government of this country, and the distinguished gentlemen who represented the United States. For a gentleman who, I believe, knows less of the Fisheries questions than any other subject that may come before us, and reasonably and naturally so, to get up and denounce this treaty in the haphazard way he did, he must be possessed of a remarkable amount of intuition, more insight into things than ordinary mortals possess, if he could in that short time have so mastered the subject as to be able to denounce it with such unusual warmth and in so emphatic a manner. It was not well, it was unseemly for my hon. friend to take the extraordinary position he did. He must have been prompted by bitter partizan feeling, by party antagonism, which was displayed to a degree that was disapproved of by all who hoped the treaty had supplied a practical, satisfactory and final adjustment on terms just and honorable to all concerned. The fluent language and grace of diction with which he is so remarkably gifted, and which he displays on all occasions when he rises in this House, and which my hon. friend used with marked force and fervor on this occasion, no doubt impressed some gentlemen unfavorably, who would like to look into this matter impartially. I am sure my hon. friend is one of the gentlemen in this House who knows least of the fisheries, their value and importance. His party never cared for our fishermen. I have looked over the paper he referred to probably with more attention than he has, and I must cordially confess that I am not yet master of the subject in all its effects and bearings. There is probably a great deal in the treaty which will not be satisfactory to our fishermen, and if my hon. friend's diagnosis of the treaty is found correct I will tell him at once that I shall vote with him in opposition to it; for coming as I do from a Province whose vital interest is the fisheries —from a province whose people depend mainly on the fisheries as an industry—I should be the last in this House to support any treaty which, if my hon. friend's views are correct, was so vastly injurious

to the people of this country. The hon. gentleman declared that it was not a fair, just and honorable agreement between us and the United States, and that he would prefer to surrender our fisheries altogether. It is clear that the hon. member has no idea of the value of the fisheries, not only directly to the fishermen of the Lower Provinces, but indirectly to the whole of Canada, or he would not seek to surrender them. The value of our fisheries cannot be estimated even in dollars and cents. The hon. gentleman may have some object in view of his own—he may think that in order to promote free trade, or commercial union, or some other project, that he would feel inclined to sacrifice our fisheries; but I do not believe that that is the feeling of the country or of the Government of Canada. I am speaking now outside the treaty and not as though I knew anything of what it contains. The hon. gentleman also remarked that the three-mile limit is dealt with in such ambiguous language that matters before a year will be worse than ever by this thing concocted at Washington. In the most contemptuous manner he flaunted this paper before the House. I never saw him manifest such enmity and such malicious feeling towards anything as he did on that occasion. I thought it was very improper. He could not help having a fling at the British Commissioners and imputing motives to the British Government. We know that the British Government has stood by Canada throughout and at all times manifested a desire to promote and protect our just rights and sustain them by the power of the Empire. My hon. friend intimated that Mr. Chamberlain came out here in the interest of a certain class of the people of England to promote and carry into effect the political policy of Great Britain. Then he said that the United States have not made a single concession. I am not going to discuss that, because I know nothing about the treaty. He says it is the old story repeated, the sacrifice of Canadian interests to Imperial exigencies, and he intimated that it is likely that the Senate of the United States will throw out the treaty. Now, if it is so bad for us, and so favorable to the United States, I do not see why the United States Senate should or would throw it out, or why he should object to such action. My hon. friend presumes to possess intuitive knowledge or prophetic vision in this matter. He assumes that his knowledge of the question, from a casual glance at the treaty, is so perfect, and his prophetic power so great, that he is able to foretell what course the United States Senate will take in dealing with the treaty. We know that the majority of the United States Senate is opposed to the Government, and that it requires a two-thirds vote to carry the treaty there, so that it is not at all impossible or even improbable that the treaty may be thrown out; but if it is so bad for Canada as the hon. member says it is, then we should be all very glad to hear of its rejection. The hon. member shows extreme want of knowledge on the subject when he talks about the fishermen going out with their two-tons vessel and chart hunting for the limits. I do not know what class of punt or vessel he speaks of belong to, and he does not intimate whether they are American or Canadian craft, but as our own vessels do not require to seek for the line, since it is immaterial which side of it they fish on, he must have had in his mind American vessels. He must have a vague idea of what a fishing vessel is when he talks of American vessels of two tons burden. He also spoke about certain harbours, bays and creeks: I doubt if the hon. gentleman knows where they are or could show on the chart the bays to which he refers and describe the extent of them unless they were marked. If he can, then he has a far greater knowledge of the Maritime Provinces than I give him credit for. I might have allowed all this to pass by and not addressed the House if it had not been for the course pursued by the hon. member from Halifax, (Mr. Power), who often provokes me to rise and reply when I would prefer to let the subject pass. He said he endorsed all the "able and forcible remarks" of the hon. leader of the Opposition. I do not know, but I inferred that he meant to endorse what was said adverse to the treaty; I should like

to know if that is what he meant? He remains silent: if he did not, then it was an empty compliment, or rather a back-handed compliment, because it is not necessary to compliment the leader of the Opposition on making an able and eloquent speech. He can always do that, therefore he must have endorsed the sentiments of my hon. friend with regard to this treaty. The organs of the Opposition denounce the treaty as a surrender of our rights. The *Globe* says that the United States fishermen have bagged everything and that the Canadian fishermen are ruined. My hon. friend seemed to echo what the *Globe* said; but on the other side we find the opposition to the United States Government denouncing the treaty. We find Senator Frye, a very prominent man in the Democratic party, representing the large fishing communities in the State of Massacheusetts, announcing that the fishermen will be worse off under the treaty than they are to-day, that Canada has surrended nothing, and we hear that the fishermen of the United Stated are holding indignation meetings. Although I am not yet possessed of a copy of the treaty, and have not read what appears in the newspapers with a view to coming to a conclusion, I should be inclined to think that there is something beneficial to both countries in it, when it is denounced by the opponents of the Government in the United States and the Opposition in this country.

HON. MR. MCINNES, (B. C).—Read Senator Bayard's remarks on the Treaty.

HON MR. MILLER.—As given I suppose by the Montreal *Herald.*

HON. MR. MCINNES, (B. C).—As given by a correspondent supporting the Government.

HON. MR. KAULBACH.—I have not seen it. Senator Bayard has no doubt given a great deal of attention to this matter with a view to an equitable adjustment. The moment we allowed the treaty of 1818, with all our rights interests and the comity which should exist between ourselves and the United States, to go to a commission, we admitted in effect that we were prepared to make reasonable concessions with a view to friendly relations with our neighbors and reciprocity. Otherwise we would have held strictly to our rights. Any concessions made by our Commissioners must have been considered with a view to procuring a settlement which would be honorable alike to both countries. We may have gone very far in order to reach that result—whatever I am saying to-day I state with the view of rectifying it if not in accordance with what I may think of it when the treaty comes before us; I was only prompted to rise and express my disapprobation of the course pursued by the leader of the Opposition and my hon. friend from Halifax.

It must be refreshing that now, for almost the first time in ten years, since this Government came into power, we heard no wail of despondency, no descriptions of fearful desolation, ruin and destruction in this country. My hon. friend who generally takes a doleful and melancholy view of the condition of the country has not attempted to dispute or deny the statement in the Speech from the Throne as to the prosperity of the country. In Nova Scotia undoubtedly prosperity prevails. Perhaps never before has that province been in a more flourishing condition than it is at present. Even the local Government, desirous as they are at all times to deny that prosperity exists in the country, had to admit in the Speech from the Throne that general prosperity prevails, and the Province is prosperous, there can be no question about that. In every branch of industry Nova Scotia is prosperous to-day: therefore I am glad to endorse the accuracy of the statement contained in the Speech from the Throne. I am reminded of some sarcastic remarks made by the leader of the Opposition about the sugar refiners, cotton lords, and iron manufacturers. He spoke about their flourishing condition, and wished to compare it with the distress which he says exists amongst the farmers. I deny that the National Policy has done any harm to the agricultural community. The hon. member said that the grievances of the farmers were beginning to crop up. I have failed to discover any

such grievances. If any does exist it cannot be due to the National Policy; that policy has been sustained for the last ten years. In the bye-elections the Government has received increased support from the people. I believe that an endeavor has been made to excite amongst the farmers of Western Canada a feeling antagonistic to the Government and National Policy, on the ground that their trade relations would be improved if they were given the United States markets, instead of sending their products across the Atlantic—their trade relations should be with the United States. In these discussions they have failed to convince the farmers that they are injuriously affected. Our people know that in the chief natural production of the two countries they must find markets in Great Britain and that any policy which would restrict us to the markets of the United States would be perfectly suicidal. The total exports from this country last year amounted to nearly $90,000,000, more than half of which went to Great Britain. The largest portion of our exports from forest and agriculture go to the same market, and we send twice as much of the cattle we export to Great Britain as we send to the United States. Therefore I think it cannot be in doubt that it is greatly to our advantage to strengthen our political and commercial relations with England and the Empire at large, and that any change which would interfere with that trade would be injurious to the Dominion generally and especially to our farming and cattle industry. In the Speech from the Throne we are promised legislation relating to the railways for the protection of life and property. During the past few years there have been many disastrous accidents on railways in this country and the neighboring Republic. This morning a serious accident occurred on the C. P. R. at Sudbury: such accidents are inevitable at times, even although the greatest care may be exercised by the railway companies. Our railway interests are developing rapidly. Not only has there been a great expansion of the railways of this country, extending now from the Atlantic to the Pacific, but a connection with the railways of the North-Western States has been established at the Sault, giving us the control of an enormous trade if we are prepared for it. The completion of the C. P. R. has opened up, or at least has given us opportunities to develop a trade with China, Japan, and the Australian colonies, and in the development of this new trade we have good reason to believe that the Government will show the earnestness which they have always displayed in promoting the best interests of the country. With our present and prospective advantages, and the prosperity of the country steadily increasing, the Government should, as soon as possible, endeavor to give us what nature entitles us to in our geographical position, the shortest and quickest route to England; they should offer a large mail subsidy, as much as is necessary to give us the most rapid communication across the Atlantic with Great Britain and the rest of Europe. It is impolitic and unpatriotic to rest satisfied with the communication which has existed through the United States and permit Canada to be dependent on a foreign country for rapid communication. We have now an opportunity to secure this communi- for ourselves, and have the enormous traffic which is growing up carried directly through our country to Europe. The cost is of minor importance. The best possible service will be worth to Canada more than it costs. If we fail to take advantage of this opportunity, this trade will seek or be forced into other channels. It is of the utmost importance that we should have the speediest communication across the Atlantic and although nothing has been said on this subject in the Speech from the Throne, I hope the Government will not be blind to its importance. I do not know any way in which money could be more judiciously expended in the interests of the whole Dominion than establishing the best and most rapid communication across the Atlantic. Coming from Nova Scotia I am not directly interested in the St. Lawrence route and the canal system, yet I believe that that route should be so improved, enlarged and managed as to secure the bulk of the trade of our western countries as well as of the North Western States. The existing channels and the accommodation at Montreal are not sufficient for

the rapidly expanding traffic of the North Western States and our own Northwest Territories. If the Government could relieve the Harbour Commission of Montreal of the burdens which they bear for improving the navigation of the St. Lawrence, so that they might provide greater facilities at Montreal for the trade of the country, it would be greatly desirable in the interests of all Canada. If the facilities do not exist at Montreal for the transhipment of freight it must find its way to United States ports. It is therefore the duty of the Government to do what they can to make the St. Lawrence, which is the natural artery for the trade of the country, a route which will be equal to and accommodate the growing trade of the west. This is not a question of purely local interest to Montreal. All western Canada is interested in the improvement of the St. Lawrence and the capacity for transshipment at Montreal. All Canada feels that it is a question of vital importance, and no means should be spared, especially by hon. gentlemen who come from that quarter, to have the harbour of Montreal placed in a better condition to accommodate the business of the country I am sure that my hon. friend from Montreal (Mr. Abbott) must approve of what I say, and would say it in a more forcible manner than I could. Something was mentioned with regard to the election law, the franchise and the Controverted Elections Act. We all consider the present system very expensive. I am not in favor of manhood suffrage, though I was first elected a member of Parliament in Nova Scotia under that franchise, yet sooner than continue the present expensive machinery, and endure the complications which exist under the present franchise, it is better that we should adopt manhood suffrage. The franchise is complicated, and the election law is unsatisfactory. Our Controverted Elections Act is one not easily interpreted, and the judges differ from one another on important points. They are unable to decide whether an election petition can be tried after six months. We should have a more simple franchise and a better mode of conducting the elections. Reference is made in the Speech to the Government of the North-West, and it is evidence of the great advancement which that part of the country has made. In a short time it has developed in population and resources to an extent which justifies the hope that it will soon be raised to a province. I see that the modern laws of England are to be applied to Manitoba and the North-West. I think some of those same laws might with advantage be applied to the rest of Canada as well. Some means should also be taken to distribute the salaries to the judges of the several provinces in a more equitable manner. It is invidious and unjust that judges who have to adjudicte on matters of equal importance in all the provinces should be treated so unequally. I do not know what alteration is to be made in the Civil Service Act, but I think the best way to improve the Civil Service of the country is to take the patronage as far as possible out of the hands of politicians. I think the great weakness of the present system is the influence which members of Parliament and influential politicians on one side or the other exercise in pressing unduly for the appointment and promotion of friends to positions in the service of the Government. I have no relations in the Civil Service and I hope that I never shall have any. It must impair the independence of members when they have to solicit patronage for their friends. Any measure calculated to remedy this evil will, I am sure, receive due consideration from this House. Reference has been made to the departuure of our Governor-General. We who have had the privilege of his acquaintance will regret that he is to leave us. That feeling, I am sure, will be shared by the people of Canada generally. He is one of the many able statesmen that Her Majesty has sent to represent her in this country. He has ever interested himself in our material prosperty. He has done a great deal to promote the interests of the people of the Dominion. We must all hope that he will be long spared to assist and take a prominent part in directing the councils of the great and glorious empire of which Canada is the most important colony, and inferior to none in loyalty and attachment to our Queen, to the empire, and this our

beloved home—the Dominion of Canada.

HON. MR. ALEXANDER—I only purpose to solicit the kind indulgence of the House for a few moments. I regret that my health does not admit of my touching any of the great questions of the day. I did not, however, wish this debate to come to a conclusion, without congratulating the Government upon the recent appointments to this chamber. I think great wisdom has been shown, in occasionally making selections from the Liberal party, because it will be admitted that at all events an effort should be made to equalize somewhat the balance of power in this House as between the two parties. In connection with that subject, nothing can augur better for the future progress and advancement of this country and lead to secure its future good government than to select some of our leading commercial men, who by great industry, enterprise and anxiety, have amassed wealth and been devoting in their respective districts, a large portion of that wealth to benevolent and good objects. It is assuredly an honor and a pleasure to welcome to this House some of those gentlemen, who now enter the councils of the nation, where they will be enabled to serve their country in a larger sphere. Such men cannot fail to command honor and esteem.

I desire now to say one word in reference to the expected departure of His Excellency the Governor General. Every member who has spoken here and elsewhere has expressed correctly the feelings of this country in regard to the manner in which both His Excellency and Lady Lansdowne, have by their never ceasing kindnesses throughout the land made themselves beloved by the people. Their residence amongst us, although only for four years, I need not add, has strengthened greatly the bonds that bind us to the great Empire to which we are proud to belong. I need not dwell upon the inestimable value to the future social and political life of this Dominion that we should have the good fortune to have,in that distinguished position, one of the most honored statesmen of the Imperial Parliament—a nobleman who has ever been so much esteemed at home for his correct judgment and tact, in all state matters. What an advantage to Canadian society—to us here in Ottawa,—to the City of Toronto,—to Montreal,—to Quebec and to all parts of the Dominion which their Excellencies have visited! What an advantage it has been to have amongst us such distinguished families of the empire, shedding such an elevating and refining influence throughout the land, shewing high social culture, based upon the virtue of Christian kindness, and a desire to make every one happy who approaches them. It has been observed from time to time that politeness is the heritage of the French race, as we have observed in the beautiful Province of Quebec, and it should be our endeavor to train the young of all our provinces in such a manner as to continue elevating the future tone of social intercourse. I will only say in conclusion that their Excellencies, as well as some of their illustrious predecessors, and I need not go further back than the Marquis of Lorne and his royal spouse the Princess Louise, as also the present distinguished Vice-Roy of India, Lord Dufferin,—will long live in the remembrance of the people of this Dominion; and the recollection of all the benefits which they conferred upon society will long be fondly cherished by us.

HON. MR. DICKEY—As one of the representatives of the Maritime Provinces, which are primarily if not chiefly interested in this treaty question, I may be pardoned for saying a few words, and I should not have troubled the House but for circumstances which have come to my knowledge within the last few hours. I rise chiefly to state to the House what I think must be the general feeling throughout this Senate, that any discussion of the provisions of the treaty referred to, under the particular circumstances, is greatly to be deprecated. I propose to do nothing of the kind. I propose to enter into no discussion of the provisions of the treaty at all; at the same time I think it is very much to be regretted that the hon. leader of the Opposition, in the exercise of his discretion,

has thought proper to raise this question before any treaty is laid upon our table. The reading from the newspaper may or may not be correct as to the substance of a treaty which is not before us, and the protocol and proceedings on which have not yet been laid before the House. Until then we cannot possibly enter upon the objections to which the hon. member has referred; at the same time, I must say, as some consolation to the hon. member, that as he has taken very strong ground, and has made a furious onslaught on the treaty, I think that under all the circumstances if it be the object of the Government of this country, as I assume it to be, to have the treaty ratified by the Senate of the United States, the hon. gentleman is entitled to the thanks of the Government, for he could not have taken a better mode of doing his little best in order to carry out that object. That I am not alone in that opinion I will show from very good authority, which is under my hand—the opinion of a gentleman of high standing, who was addressing a tribunal in another place about the same hour that the hon. member from Ottawa was giving utterance to the singular sentiments that he uttered here on Friday last. I say that a distinguished gentleman, an American Commissioner, one of the parties who framed the treaty, was giving utterance to his views, and I claim the indulgence of the House while I refer to them for a moment in order that we may see how completely that gentleman is in harmony with the view I now express and about which I, of course, have had no previous communication with him. I refer to a speech made by Professor Angell, one of the American Commissioners on Friday last in Ann Arbor, Michigan, in which he says:—

"I may say if this treaty is not ratified by the Senate they will make a great mistake. What makes me more than anything else firmly of opinion that we have been able to get decidedly the best of the case in this treaty is that the radical Canadian papers are all so opposed to it."

Now, I speak with some little hesitation upon that point, because those members of the press referred to have had a great many advantages that have been denied to us benighted people. They have been in the secrets of this Conference Chamber from the beginning, and have been telling us what has passed there, and have from time to time given us their views on the proceedings. In the first place they have told us it was utterly impossible that those Commissioners could ever get a treaty; they have told us that a treaty never could be got unless they assented to a proposal of reciprocity with the United States. They again, being in the conference chamber, as I suppose, gave us from time to time the proceedings that were taken upon that subject. They told us that, at last, after a long time, our Commissioners were not willing to present any proposal of reciprocity to the Commission, and the logical result was in a day or two we heard the cry of failure, utter failure, of all the proceedings. For information of what did take place on that subject, I am indebted to a paper which publishes the speech of this gentleman, and I may say that if this paper is correct—if the position taken by Mr. Angell is correct—and perhaps there is no better authority on the subject than he is—I think that in all fairness and in all justice to the leader of the Opposition in this House if any credit results from that, and any good follows the ratification of the treaty, the hon. member in the apportionment of the credit should have his full share in common with the radical press of Canada. In addressing the House, I merely want to set my hon. friend right, because the misfortune is that the utterance of the hon. gentleman goes before the public, and he has not had the patience to wait for the protocol and proceedings to be submitted to the House, which would give him knowledge which we have not got in any way except the little glimpse of it now in my hands, on one or two points that I shall refer to; but my hon. friend, in the absence of that information, has undertaken to launch out into an attack upon this treaty upon grounds which are utterly baseless. He commences by saying that it is quite evident that had Sir Charles Tupper had one iota of power in the management of this treaty, the result possibly might have been otherwise. The implication there

is very plain indeed—that Sir Charles Tupper's efforts were neutralized and nullified by pressure from Hon. Joseph Chamberlain or some one of the English representatives. It seems to me I am justified in saying that whatever our opinions may be of Sir Charles Tupper's political sentiments, it would surprise anyone to be told here that a gentlemen like Sir Charles would sit quiescent and dumb when the honor or the interests of Canada were at stake. I have had no other access to or means of knowledge of what took place inside the Conference Chamber ; but I say this : that I would be very much surprised indeed if during the whole progress of those negotiations —I am judging from the treaty itself or what is supposed to be a copy of it, and of the information I get outside in the newspapers—to find that there has been any difference of opinion whatever between the Commissioners, Imperial and Colonial, upon this question ; and I should be very much surprised if Hon. Joseph Chamberlain, while undoubtedly loyal to the interests of the Empire, was not equally loyal to the just rights of Canada. I shall be very much disappointed if that is not made apparent when we come to discuss this question, as we cannot do now in the absence of the papers—I shall be very much surprised if it does not turn out that the Hon. Mr. Chamberlain, in his conduct throughout, so far from making an impression of that kind has been loyal to this country and his colleague and has stood by him as one colleague should support another, in order to get the best bargain they could make. My hon. friend lays particular stress on the fact that this treaty is, as he terms it, a surrender. In the first place he says they have given up the headland question and Baie de Chaleurs and other bays. The hon. gentleman surely could not have looked at the treaty and scanned it very carefully, for he has been entirely misled. Instead of sacrificing the headland question, that question is in a better position as to the Maritime Provinces than it ever was before ; and all I can say on that point is to refer him to the nine bays, each of them over 10 miles certainly, and some of them 20 miles in width, which are specified in the third, fourth and fifth clauses to be delimited for the benefit of Canada. But I am not going to follow my hon. friend in discussing that question. He has stated that the people of Canada are anxious for a large measure of reciprocity with the United States, and that if our Government had made that offer to them, undoubtedly we would have had a better chance of getting a treaty ; but in that respect he is only following the course of opinion given by the Canadian radical papers spoken of by Mr. Angell ; for they, with all those means of information which those fortunate people have had the benefit of, speak of this just in the same sense. They say this was the only means of getting any settlement of the treaty at all—to offer reciprocity. That, I have already mentioned, was a subject of denunciation by the leading opposition papers in the Maritime Provinces, of which I am justified in speaking of the *Morning Chronicle* as the chief—and the *Chronicle* took the very strong ground that this treaty, if it was ever made, would be a surrender, unless we got reciprocity, which our Commissioner would not propose. After the treaty was made, I have in my hand their comment on it, and the burden of their argument is this—very much that of the leader of the Opposition—that the treaty was a surrender of all that we had to give, but getting nothing in return. If the House will permit me, I shall read the article they published on the very day Parliament met :—

"Two comments must be made on this treaty, in addition to the general one that it is a shameless surrender. The first is that the purchase and sale of bait is not allowed under the treaty, until the Americans have taken the duty off fish. This is the most atrocious blunder of the whole business. It deprives our people of the only advantage they gain by the admission of American fishermen to our waters, the right to sell them bait. This is quite a profitable source of trade. Therefore our negotiators at Washington, while giving away all the trading privileges of our ports to American fishermen, have denied to our people the poor privilege of picking up some thousands of dollars by selling them bait."

HON. MR. MCINNES (B.C.)—What paper are you reading from ?

HON. MR. DICKEY—The Halifax

Chronicle of Thursday morning last. I give this as a specimen of the shifts that people are put to when they undertake to discuss this question without the proper information before them, and when they make as their chief objection to this treaty that they have not given away the bait question, after saying that they have nothing left to give as a *quid pro quo* to the Americans for the right to have our fish admitted free of duty. Now, to come to the question of reciprocity, that question has been treated by all parties opposed to the Government as the crucial one in this matter, and it has been taken for granted that the only way of getting anything under this treaty was by dealing with the question of reciprocity or commercial union—that it was very important that this question of reciprocity should be brought up, and another position was that unless reciprocity was offered as an equivalent in this fisheries treaty, we could get nothing. Then came the announcement, and it has been repeated over and over again, that no attempts were made to settle this question by means of reciprocity. What does Mr. Angell say on that point? He is reported, speaking about the working of the fisheries commission at Ann Arbor :—

"We were a long time getting down to the real work of the commission, all the parties interested were so varied. The British and Canadian commissioners were especially anxious to make a reciprocal free trade treaty a part of the treaty before they would settle on the fishery question. More than one-half the time was occupied in this manner. The real work has been done within the past month. We told them over and over that the tariff was a matter which must be settled by Congress, and that we could do nothing about it."

I hope that that effectually disposes of the question that no attempt was made to get reciprocity, and I do it on the authority of a gentleman whose word will not be questioned, because he was one of the Commissioners himself. Before I leave him I would speak of the task those gentlemen had before them to deal with. It was a difficult task. It was a question surrounded with difficulties, the chief one being that in coming into that negotiation they really did not know whether they would ever make a treaty or not. It is due to the Commissioners, and due to this House that I should give Mr. Angell's views on that point. Speaking about the workings of the Commission he said :—

When the representatives of the various Governments met to present their cases they differed so widely in their propositions and methods that it seemed as if they never could all agree.

That shows the inherent difficulties that these gentlemen had to encounter and enhances the credit due to them. It is a wonder that instead of their being reproached for being there three months, they should have arrived at a settlement at all. But from all I know of those gentlemen, I have not a personal acquaintance with Mr. Angell, but I do know the other American Commissioner, Mr. Putnam, and I can speak of him as an able lawyer and an honorable man ; and in the eminent ability and force of character of the Commissioners from England and Canada I think we have the very best assurance that all those gentlemen went into that discussion with a single eye to obtain the best possible terms, as a solution of the question, in order to secure a treaty which would be fair and reasonably satisfactory in its leading features to all. And they succeeded in that object—they thought they did at all events, and whether they did or not I shall say nothing further on the subject until the proper time arrives. My hon. friend spoke of previous treaties, and of the misfortunes incidental to them as regards ourselves, arising from the fact that they were made by Englishmen. I feel a good deal of sympathy with the views my hon. friend expressed, because undoubtedly although most of those things took place before the time of many of us who are here, yet we all feel that in the past there have been some such sacrifices. The last treaty in which we suffered was the Ashburton Treaty. Even in the Treaty of 1818 the colonies—then Nova Scotia, New Brunswick and Prince Edward Island who were interested more particularly in those fisheries—had very sore feelings about the arrangement. They had no voice in the matter, but they were bound to submit. In the same way, going back a little further to the settlement of the line

which cut off a very large portion of what was really our due, and handed it over to the State of Maine, before the Ashburton Treaty at all. Instead of the line of the Penobscott we were brought up to St. Croix, and afterwards further north. In all those cases Canada was not represented. I imagine that no one finds fault with the reciprocal treaty negotiation of 1854. Nobody finds fault with the treaty of 1871, when Canada was so ably represented by the present Prime Minister; and I think before we get through with the present treaty we will find that it was most fortunate that Canada was represented on this second treaty of Washington.

Under all the circumstances, I do not wish to occupy any greater time except to say that whatever may be the merits or demerits of this treaty—however it might have been made better or worse, I think we must all agree that it is a most fortunate thing in the interests of humanity and of civilization that that treaty has got to a satisfactory issue, and I will say further in conclusion that the consummation of that treaty is a fitting and triumphant termination to the career in this country of the distinguished nobleman who has presided over us for the last five years, and who is to be shortly transferred to the vice regal chair, the greatest gift in the hands of the Empress of India, our gracious and beloved sovereign.

HON. MR. MCINNES—Were it not for a remark or two made by the last speaker, which I believe to be inaccurate and contrary to facts, I would not attempt to say anything upon this occasion. The hon. gentleman from Amherst (Mr. Dickey) in his patriotism and superloyal enthusiasm, said that ever since Canada has been represented on any commission to negotiate a treaty between the United States and Canada, justice has always been done to Canada. I will briefly show that such has not been the case. I will first refer to the Washington Treaty of 1871, when the leader of the Government was the Canadian Commissioner, and was the leading spirit on that Commission. Some three months before that treaty was signed, the right hon. gentleman entered into negotiations with the then colony of British Columbia, which resulted in that colony becoming a province of the Dominion of Canada. The terms of union were agreed upon, signed and sealed, and all that was necessary, even from a technical point of view, was the issuing of the proclamation on the 1st of July, 1871; but notwithstanding the fact, the right hon. gentleman (Sir John A. Macdonald) negotiated those terms, and that he was the Canadian representative on the Commission at Washington, British Columbia was treated as a colony or foreign country, was never taken into consideration, and in the benefits which accrued from the fisheries clauses of the Washington Treaty the Pacific Province had on share.

HON. MR MILLER—Was British Columbia then a portion of the Dominion?

HON. MR. MCINNES (B. C.)—I thought I had made myself sufficiently explicit when I stated that only six weeks before British Columbia formally became a province of the Dominion, the Washington Treaty was signed by Sir John Macdonald and his colleagues, by which British Columbia was deprived of all benefits thus accrued or expected to accrue from the treaty, although he (Sir John) had negotiated and consummated the union of British Columbia with the Dominion weeks before that.

HON. MR. MILLER—She was not then part of the Dominion.

HON. MR. MCINNES (B. C.)—Well, if that is not a satisfactory illustration of how we have been shamefully neglected I will refer to another case. San Juan Island, the key to the Pacific province, and to the terminus of the Pacific railway, was worse than given away without an honest effort being put forward to save it to the Dominion of Canada. But if the Canadian Commissioner in 1871 overlooked the just rights of the Pacific province, what position is she placed in to-day with respect to this treaty? It is well known to every gentleman here that we have vast fisheries out on the Pacific Coast—I

doubt very much if they are second even to those of the Maritime Provinces on the Atlantic, yet is there any provision made to protect those fisheries in this treaty? There is none, and I know as a fact that statistics with respect to the fisheries of that coast were in course of preparation for months before this Fishery Commission met at Washington; so that it must have been and was the intention of the Canadian Commissioners that that should be one of the questions to be settled at this Conference. But it appears from the draft of the Treaty that I have seen that British Columbia has been again left out in the cold. Was there anything done with respect to that very important industry which has sprung up within the past few years on our coast—the seal fisheries, notwithstanding the high-handed piracy of the American authorities in seizing British vessels in Behring Sea where they were peaceably fishing on the high sea —a right that has never been disputed or denied any nation under similar circumstances. There is not a single word about these high-hand acts of the American Government in this one-sided Treaty. These vessels are held by the United States, at how much I know not.

HON. MR. KAULBACH—That was not included in the Commission.

HON. MR. MCINNES (B. C.)—That is what I complain of—that it was not included in the Commission; and it seems very much as if the Pacific province, her harbors and her fisheries, are not considered as part of the Dominion of Canada at all. Why should there be two Commissions to settle the fisheries question of the Dominion—one for the Pacific and one for the Atlantic coast? To me it seems absurd. I believe that the Commissioner that we sent to Washington, Sir Charles Tupper, did his duty in the beginning. I believe he urged in every possible way the interests of Canada—I do the hon. gentleman that credit. We all know that he is a gentleman of great ability and of courage, and probably understood the whole question better than any person in the country, and I believe that he did all he possibly could in the interests of Canada until he reached a certain point—that point where Imperial influence or interests induced him to yield to Chamberlain or Salisbury, and sacrifice the interests of his country, Canada. If the treaty, as it has been outlined to us, is correct—and I believe it is—I claim it was the bounden duty of Sir Charles, as a true Canadian, to have withdrawn from the Commission whenever the just claims, the sacred rights of Canada, were to be sacrificed to satisfy Yankee avarice and Imperial selfishness and folly. Unfortunately, in the past our territory has been carved here and there, as anyone looking at the map of Canada can see. There is a "V" extending into Canada between New Brunswick and Quebec, and at other important points our territory has been given away to our neighbors. For instance at the northwest angle of the Lake of the Woods the United States extend northward, for what reason I never could find out, and the same occurs on the Pacific coast where they have got possession of the Island of San Juan.

HON. MR. DICKEY.—Is it not a fact that the giving away of the Island of San Juan was, not by a British Commissioner at all, but by the Emperor of Germany, who acted as arbitrator between the parties.

HON. MR. MCINNES (B.C.)—I am perfectly well aware of the fact that it was left to arbitration: that is why I complain. The Imperial authorities have never looked after the colonial interests as they should have done within the last quarter of a century. I believe if Canada had at that time insisted upon her rights as she did on a memorable occasion in 1876, when the Fisheries Commission sat at Halifax, the result would have been different. The only occasion when Canada secured a measure of justice was when the Fisheries Commission met, and our success on that occasion was due to the fact that the gentleman then at the head of affairs in this country insisted that no one but a Canadian should represent Canada on that Commission, as the question to be settled was purely a Canadian one. That was why we we were awarded $500,000

a year for the fishing privileges which we are now willing, even thankful, that the Americans should accept for nothing. Why are we left on the Pacific Coast with our fisheries unprotected and with no headland rights decided or defined, and in such a position that American fishermen can enter our waters and fish as they please? All who are acquainted with the geography of the Pacific Coast know that from San Francisco northward there is an unbroken wall of coast extending eight hundred miles without an indentation worthy the name of a harbor, until you get to the Straits of Fuca and from that point we own the coast to Alaska. Between Vancouver, Queen Charlotte and Valdees Islands and the mainland, in the Gulf of Georgia and the various inlets there are thousands of miles of sea coast without any boundary defined within which the American fishermen are or are not permitted to fish. I think when this Treaty was under consideration, the least that could have been done was to have shown the people of the Pacific Province that their interests were not overlooked. As far as the Treaty itself is concerned I entertain a different opinion from that expressed by the hon. member from Lunenburg, and I do not agree even with the hon. member from Amherst. They appear to think that the leader of the Opposition committed a great wrong in discussing the question on this occasion. I have no doubt there is a good deal of sympathy for the poor member for Ottawa who has received such a severe castigation from the hon. member from Lunenburg especially. He must have winced under it, but if the hon. member from Lunenburg failed to put himself in possession of the facts connected with the question, as the hon. member from Ottawa had taken care to do, it was his own fault and the misfortune to the country, and especially to this House. The hon. member from Ottawa was perfectly justified in raising this discussion and expressing his views freely, and from what I have seen and read of the Treaty I concur in his opinion in every particular. I wish it were otherwise. I sincerely hope that when I come to study the treaty more closely that it can bear a more favorable construction. If so, when the Treaty itself is brought before the House I shall rise and willingly admit my mistake; but I fear the Americans have succeeded on this, as on every other occasion but one, in getting all that they wanted from us. They have taken piece after piece of our territory, and now they are invading our waters, which ought to be as sacred and belong to us just as much as the land which they border.

HON. MR. MILLER—My hon. friend considers that the Commissioners betrayed the interests of the fishermen on the Atlantic coast; does he not think it fortunate, and a subject of congratulation, that the interests of British Columbia also were not entrusted to them?

HON. MR. MCINNES, (B.C).—The worst the Americans could have done would have been to deprive us of our fisheries, or have the free use of them, and that I claim they will have under the present treaty. So, in the first place, I want British Columbia to be treated as a province of the Dominion, and in the second place I see no necessity for all this form and farce of a one-sided treaty, or rather give-away.

HON. MR. GIRARD.—I was under the impression that the Speech from the Throne, would have been discussed by the mover and seconder of the Address, that they would have been followed by the leader of the Opposition and the leader of the House, and the resolution would have been adopted, and my intention was to make no observations at this stage of the session, but as that course has been departed from and some allusion is made to Manitoba and the North West Territories in the speech, I think it my duty to refer to some important matters relating to the section of the Dominion which I have the honor to represent here. I desire to give the House some information which may induce the Dominion to continue its liberal policy towards us. I may say, in the first place, that I believe I convey the views of the people of Manitoba when I express regret at the approaching departure of His Excellency from Cana-

da. He has discharged with fidelity and ability the various duties pertaining to his high office, and we must all recognize the fact that since the Confederation of the Provinces he has had no superior in the Vice-Regal office. I concur in the views on this subject so well expressed by one of the hon. gentlemen who preceded me to-day. In the Speech from the Throne we are congratulated on the general prosperity of the country. I am quite ready to admit that there is prosperity in many parts of the Dominion, but I regret to say that I cannot admit that it prevails everywhere. There is no prosperity where harmony does not prevail between the Dominion and the local authorities. The Dominion Government, having control from sea to sea, the duty devolves upon them of giving protection and assistance to the local authorities. This may not at all times be easy, but when there is dissension, and a conflict occurs between the local and federal authorities, progress is impossible. Under such circumstances it is perfectly legitimate for any public man who can devise a means to restore harmony, to offer a suggestion. We may call the policy what we like—Imperial Federation, Legislative Union, or the present Confederation with modifications, but we will have to find some means for terminating these difficulties. A little further on in the Speech we are congratulated, and we certainly have to thank Providence for the abundant crops of last year. In Manitoba and the North-West the yield was extraordinary, and we have millions of bushels of grain to export. We should all be satisfied with the result of the harvest, but there has been some dissatisfaction expressed against the grand institution which, it seems to me, is rendering great services in opening up parts of the country which would otherwise remain unknown forever, and in promoting the settlement of the country. We complain there of monopoly, and of being unable to get all our grain conveyed from the west to the markets of the east on the same conditions that grain can be carried from the American frontier to New York. Certainly all this dissension is very much to be regretted. In order to meet the difficulties arising out of this question some of our people tried to build a railway of their own from Winnipeg to the United States frontier, but the Act providing for the construction of that railway was disallowed. Notwithstanding the disallowance, the local Government, believing that they had the majority of the people with them, tried to proceed with the construction of the line, but failed and have been well punished for their mistake. They have been obliged to retire from power, being unable to find a majority to sustain them. An effort is being made to abolish the protection of the rights of minorities in special cases, by repealing the disallowance power in the British North America Act. I do not know whether that would be advantageous or not, but I do know that an effort was made in Manitoba to build the railway after the law authorizing its construction was disallowed. My opinion is, and I think the House will agree with me, that when an Act is disallowed the local Government cannot enforce it because there is no such law. We punish a private individual for infringing the law in trifling matters, yet we tolerate open defiance of the law of the land by a local Government, because the decision of the Dominion Government becomes the law of the land in a case of this kind. The local authorities openly defied the central power and in attempting to carry out an illegal undertaking incurred large expenditures, all of which will have to be paid. It seems to me that there should be some provision for the punishment of those who thus violate the law—that they should be attainted in some way. If it is not treason it is certainly a serious offence against the public order, if not against the law of the land. If there is any one charged with the duty of maintaining peace and order it must surely be the local authorities and especially the local Governments. I have not taken any part in the difficulty which has arisen in Manitoba, but I feel it my duty to state here the position of affairs and let the Government devise the best policy to pursue under the circumstances. I do not know what the Government in Manitoba propose to do, but I understand that they have decided to go on with the undertaking in defiance of the

central authority. I mention these facts because I think a remedy should be found to prevent such a gross public scandal in the administration of the affairs of the country. The power of disallowance should be exercised with great care, and only in extreme cases. No doubt circumstances have obliged the Government to act as they have done, but the time has come when the Dominion Government and the Canadian Pacific Railway authorities must find some way to terminate the difficulties which have for some time existed in Manitoba. Some means must be found to enable the local authorities to proceed with the construction of the Red River Valley Railway, which is so much needed to facilitate the trade and commerce of the country. I do not oppose that scheme, but I am opposed to the means employed to ensure its construction. Large sums are expended to promote the settlement of the country. We send agents to England and other European countries to induce people to come to Canada, but until we can assure them that there is no prospect of trouble arising in the North-West, such as we had last summer, it will be difficult to persuade strangers to make that country their home. The subject of the Fisheries Treaty is one of such importance that I do not care to say much about it at present. I have merely to remark that even though the Treaty should not be ratified by the Senate of the United States it will serve a good purpose. It will help to mitigate the hard feelings which have in one way or another arisen. The conference between the representatives of the three countries will naturally contribute to facilitate communication between them, and if it should be found necessary to re-open negotiations at any time it will be easier to arrive at a satisfactory conclusion as to existing difficulties, and also lead to better relations, in commerical matters, with our neighbors. We must feel satisfied that the best has been done in the interest of Canada, when we consider the character of the men who represented us at Washington. No man in Canada possesses in a larger degree the confidence of the public than Sir Charles Tupper. He was there to guard and promote the interests of Canada; his reputation was at stake, and at his advanced time of life when his hair is whitening from the effects of hard work, we cannot suppose that he would sully an honorable career, by neglecting or sacrificing the interests of his country. He had the assistance of the Minister of Justice and the Minister of Marine and Fisheries, both of whom are thoroughly acquainted with the fisheries question, and have the unbounded confidence of their fellow-countrymen. I shall now say a word or two with reference to the North-West Territories. We admit that it is a very important part of the Dominion, and that it is destined to become, ere many years, still more important. I remember the first three or four years after my first arrival here I found it difficult to say that Manitoba and the North-West Territories would very likely become as important in everything which gives prominence to a country as the Eastern Provinces. I am very likely to see my predictions realized. The increase of population and the development of our resources has been such that before many years the North-West Territories will become, if not the most important, at least one of the most important sections of the Dominion. We must all have seen with pleasure the introduction this session of a member from Edmonton—from the extremity of the North-West Territories—called by his Queen to become a Senator of Canada. He is a gentleman well qualified by his knowledge of the North-West Territories, as an old Hudson Bay factor, to be a member of this hon. House. I hope it will not be long before the Government appoint another member for the same Territories, as they are empowered to do under the law. With two members here, ready to furnish information when called upon, the North-West Territories will be well represented in this House. When provision is made to organize a Government for that country I do not know what measures will be adopted, but I hope it will be something less complicated and expensive than the first organization in Manitoba. Perhaps the people there are not quite prepared for all the machinery requisite for the local government

of a Province. I do not know when the measure will come before this House, but I wish now to express my opinion on the matter. I thought it my duty to take this occasion to refer to the troubles which arose in Manitoba last year, and to show this House that notwithstanding these difficulties we are making progress. There is as much loyalty to the Dominion there as in any part of Canada. We rely on the Dominion authorities for protection and for assistance in working out our destiny, and with continued aid and encouragement such as we have received in the past we will soon become a most valuable and important section of the Dominion.

HON. MR. ALMON—The answer to the Address I approve of in the main. If I did not approve of it I should certainly not say anything about it, because I understand it is intended that it shall pass without a division. I am glad to see from a paragraph in the Address that the Government intend to revise the franchise. I hope the revision will be in the true conservative sense—a return to the principle of property or personal qualification. In that way we could avoid the expense of voters' lists, because all that a voter would have to do would be to bring a receipt for taxes or a certificate from the assessors showing the property on which he is assessed, and if the assessors are as sharp and active in other parts of Canada as they are in Halifax, no one who is entitled to a vote would be disfranchised. I should be glad to learn that voting by ballot, which is allowed by everybody now, when we speak of it in private, to be a failure, could be done away with and we could return to open voting. Voting by ballot was introduced to put a stop to bribery. Has it accomplished that object? There are two elections to be held next month, and they will be carried by one party or the other. If the Conservatives carry, the Grits will say it is all done by bribery: if on the contrary the Grits carry it, we Conservatives will say that the country was in favor of us, but it was that infernal money that turned the scale. The ballot has not prevented corruption, and everyone will agree with me that it is a farce. I do not think that there is a man of sense in this body who does not feel that voting by ballot is a complete humbug. The election in Glengarry was by ballot: did it prevent bribery—has it ever stopped bribery? I know that my views are unpopular, but that does not prevent me from expressing them. I think in their heart of hearts two thirds of the people will agree with me.

HON. MR. BELLEROSE—The fact that great latitude is given by Parliamentary practice to speakers debating on the address from the Throne has suggested to me that I should take the occasion during the present debate on the address in reply to His Excellency's speech at the opening of the present session, to put before hon. gentlemen my remarks on the blue book intituled "Supplementary Report on Penitentiaries for the year ending on the 30th June, 1886,"—a book which was laid before Parliament by the Government at the end of last session. No doubt hon. gentlemen remember the many attacks made in this book against me, some of them so injurious, that an hon. Senator thought it his duty, last year, to call the attention of this House to such an abuse of the privileges of Parliament, and call upon the Government to say what they intended to do. The hon. leader of the House answered:—

"My colleagues feel as warmly as this House can do the gross impropriety that has been commited by the official inserting this note, * * * without authority of his superior officer and in contempt of this House. I may say that he has received a very severe reprimand, and steps have been taken to mark the sense of the Government in another way, and it is now under consideration what further steps will be taken on the subject."

After such a solemn promise from the Government I thought I ought to refrain from entering into any details and throw no obstacles in the way of settling the difficulty, but rather leave them to vindicate both this House and my humble self. A year has elapsed and the Government have not done anything which can be considered in any way a vindication of the honor and dignity of this House. The consequence is that I now stand in a far

worse position than the one I held last year. Then I stood charged by a servant of the Government, while to-day I stand under the same charge sanctioned by the Government. Under existing circumstances I am in honor bound to do something more than was my former intention. I cannot remain silent. If I am such a man as the insinuation in the blue book, sanctioned by the Government, would represent me to be, I should not occupy a seat in this House. If I am not such a man, then it is my first duty to establish the fact and so leave to hon. gentlemen the task of dealing with the grave insults placed upon this House in this blue book, by a servant of the Government, under the pretext that I had acted the part of a a mean man in connection with the troubles at the Penitentiary of St. Vincent de Paul. With the permission of hon. gentlemen the latter course is the one which I shall now follow. Doubtless your permission will be readily given. Every member of this House must be anxious to know whether or not their colleague, who has been the object of such a grave breach of the privileges of this House, has given occasion for the course followed towards him and which is so injurious to this House. My position is a delicate one The task of making my case quite clear in a language which is not my native one, is indeed difficult. But as the attack has been made in English I consider it only fair that my answer should be in the same language, and as the attack has been made in writing, I shall take the same stand in regard to my defence. In this special case hon. gentlemen I beg your indulgence and request that you will specially favor me by premitting me now to read my answer to the allusion in the blue book referred to. I have given notice that I will bring this question before the House to-morrow, but if this hon. body, and particularly the hon. leader would prefer having the address voted upon, and take up this question afterwards, I am ready to submit to the decision of the House.

HON. MR. DICKEY—While I think it commends itself to the good feeling of the House that my hon. friend should have an opportunity, not being familiar with the language, of placing his views on record by reading them by way of a personal explanation, at the same time we are all aware how much the patience and courtesy of the House has been strained on some occasions by the reading of long papers. In replying to a personal attack under the circumstances, I think the feeling of the House will be to allow my hon. friend to take the course he has suggested, until he hears some expression of non-confidence.

HON. MR. HAYTHORNE—Those hon. gentlemen who have preceded me in this debate have very clearly and ably expressed their regrets at the approaching departure of His Excellency the Governor-General. I join sincerely in the regrets which have been expressed in that connection. I think the system which the Canadian Constitution provides for the choice of the head of our Government is one very favorable to this country. In point of fact Great Britain lends us, for a limited period, one of her most celebrated and experienced statesmen, and as the termination of that period is now near at hand, we must reconcile ourselves to take our leave of him. But I hope this : in whatsoever region of the Empire or elsewhere His Excellency and family may have their fortunes cast, that at all events they will be able to fall back, in their memories, upon the period spent amongst us here in Canada with pleasure and satisfaction. The Speech commenced with an allusion to the agricultural pursuits of the people of the Dominion and told us that in some parts of our country the returns from the labors of the husbandman have not been as satisfactory as could be wished. I consider that, looking at the extreme breadth of this Dominion, stretching as it does from the Atlantic to the Pacific, we must expect that such contingencies will happen. I have before now stood in my place rather inclined to complain when a deficient harvest had affected the Province from which I come, that we had been rather overlooked in the Speech —that it had been taken for granted that our crops in Prince Edward Island were equally good with those of other parts of Canada. In this connection it

appears that some parts of Canada have suffered during the past season while we in the Maritime Provinces and away West in the region from which the hon. gentleman who spoke last but one comes, the crops have been exceedingly good: I think that the hon. gentleman from Winnipeg and his countrymen have taken a very excellent way of advertising the fact to the other Provinces, because at almost all the autumn agricultural exhibitions in the Maritime Provinces the fruits of the earth from the far west and from Manitoba were exhibited and we were obliged to confess in our Province that although we considered ourselves great root-growers, the roots from Manitoba and the grains and grasses, many of the former certainly, and some perhaps of the latter, exceeded those of our own growth, although the roots were somewhat deteriorated in appearance by the fact that they had travelled some 2,000 miles, and had been draw from the earth a month before. It seems to me that those deficiencies in the products of agriculture referred to in the speech can only be made up by greater skill, and adapting our industry to the changed systems and changed conditions of the markets. Formerly we sent almost the crude products of the earth to the market and obtained a ready sale for them, at the same time giving employment to our ships, our seamen, and masters and mates. That period has passed away, and we have to accommodate ourselves to the new order of things which is breaking in upon us. I have come to the conclusion myself that this is not an appropriate time to debate the details of the Fisheries Treaty. I should hesitate going into a discussion on it, but incidentally I think I can make two or three remarks which seem to me to be particularly called for. In the first place, I wish to say that those charges which have been lavishly hurled at the heads of Canadians generally, and specially at officials and others, of rude and unfriendly conduct towards citizens of the United States, have no foundation in fact. Our people have been eminently friendly to the people of the United States. This I say without hesitation or chance of denial, because I know of many of the circumstances myself. I know that in the Province I come from American fishermen have been treated invariably, and for years past, with the utmost courtesy and good will, and the harsh and uncalled for remarks which have been made, both in the correspondence between the United States and the Imperial Government last year, and which appeared recently to a certain extent in the published correspondence were I think altogether uncalled for, and in most cases without any foundation whatever. If the House will pardon me for a moment I should like to read a few lines from an American source. It appears in the blue book which was laid before us last session entitled "Correspondence Relative to the Fisheries Question 1885-7." Here is what Capt. Blake, of the United States schooner "Andrew Burnham," writes :—

"We finally headed up for Port Mulgrave in Canso, expecting to receive rough usage from the authorities, but to our surprise found Collector Murray a perfect gentleman, willing to assist me as far as he could without encroaching on the Canadian laws. From there we put in at Port Hawkesbury, and boarded the cutter 'Conrad,' and asked the captain for instructions in regard to the three-mile limit, and what privileges, if any, we had. I was answered, in a courteous and hearty way, that he did not have them aboard, but that he would go ashore in a few moments and get me a printed copy of the regulations; which he did, and assured us that if we followed them we would be unmolested; that he was there to see that the law was not violated, but not to cause unnecessary annoyance. After receiving instructions from the captain, thanks to him, I went to the Custom House and entered my vessel, paying twenty-five cents. I found a very pleasant gentleman in the collector, who did all in his power to relieve my mind and make us comfortable.

"Souris was our next port of landing, where we also reported, and were well treated. From there we went to Malpeque, where we found another gentleman in the collector. We met the cutter 'Houlet' at Cascumpec, and had several interviews with her commander, Captain Lorway, whom I found a quiet, just and gentlemanly officer. My vessel was one of the fleet ordered out of harbour by him. At that time it was as good a fish day as one could ask for, and the instructions were plain that at such times we had no right to remain in harbour. At no time is there much water to spare on the bar, and it is a common occurrence for

vessels to ground in going in or out, and that some did touch was due to ignorance of the channel or carelessness on the part of captains. At the time the order was issued the weather was fair, but before all the fleet could work out through the channel, one of those sudden changes of weather, so much to be dreaded on such a coast, came, and the cutter rescinded the order and the fleet returned. It has been printed in a Boston paper that, owing to being forced to sea by the cutter's orders in bad weather, my schooner, the 'Andrew Burnham,' fouled two Englishmen and narrowly escaped serious damage. If true, it would look like a hardship. It was simply this: In getting under way, in a small and crowded space, finding I would not have room, I dropped our starboard anchor. That not holding, we let go the other, and it brought us up all right; not much in this to point to as an outrage or danger from stress of weather. I believe Captain Lorway would be a man who would carry out all the requirements of the Canadian laws, but I saw nothing in my experience in those waters that could be considered as being arbitrary or taking a mean advantage of his official authority to annoy anyone. Captain Lorway has been a master of vessels for twenty-five years, is a man of high reputation as a seaman, and as good a judge of whether the weather is favorable for a vessel to go to sea as any man who walks a deck, and when he ordered the fleet to sea he went himself, and I know he would not order a vessel to leave harbour if there was any danger of loss of life or property. We reported at Cascumpec, and were treated the same as at all other ports we touched at. If our vessels would attend to reporting at the Custom House, the same as they do in our ports, no trouble would be met with."

Many other passages might be quoted, showing that the alleged brutality of Canadian officials is an invention, and that the conduct of the Dominion and her Provinces the very reverse of that imputed to them by certain interested Americans.

Not to proceed with those extracts for which the time is not appropriate, I may say that these are not solitary instances. There are abundant instances of the same kind throughout this publication, and in the various concessions made by Canada and the provinces to the fishermen of the United States and their Government. I think the time is not inappropriate to apply an antidote to the tale that has been spread abroad respecting the Canadian officials. In my judgment the whole of this fisheries dispute has been not the outcome of any feeling of great wrong committed by the British colonists upon the Americans, but it is the outcome of disappointed greed of certain New England fisherman and some unscrupulous politicians, who wish to displace the parties in power in Washington and to instal another President in the White House; and for that reason do not hesitate to misrepresent facts so as to secure for their party the votes of the New England fishermen. But I appeal to hon. gentlemen, is it not a matter greatly to be regretted that the interests of a neighboring colony such as the Dominion of Canada, and the interests of two great and powerful nations such as America and England should be jeopardized through such mean and ignominious motives? Happily such is not the general feeling of the people of the United States. The general feeling of the people of the Republic, in my opinion, is one of warm, honest friendship for the people of Great Britain. Of course to make this statement and allege nothing in proof of it would be a mere piece of verbosity; but I appeal to the conduct of the American ministers of late years in Great Britain and to the receptions that those ministers have met whenever they thought proper to appear in public. Take for instance the two most recent ministers, Mr. Lowell and Mr. Phelps. I remember an occasion, not so long ago, after the decease of a well known English clergyman, a famous writer and preacher, a favorite both in England and the United States—I allude to the late Dean Stanley. It was proposed that a monument should be erected to him in Westminster Abbey, and the very elite of England were summoned to consult as to how this should be accomplished. The American minister was there. He met our Princes of the blood, our aristocracy, representatives of our literature and members of the press, and amongst them he spoke the mind of the people of the United States, and it was remarkable that it should be identical with the mind of the people of England on this question, and through their Minister in London they prayed that they might be allowed to contribute to the monument to be erected in Westminster Abbey to the memory of this English clergyman

and well-known preacher. Of course that privilege was accorded them, and accorded with pleasure. That, perhaps, might be considered a rather peculiar instance of the sort of reception which American ministers, speaking the mind of the *élite* of their people, when they appear before the public in England; but take another instance. A society of workmen having built for themselves a hall proposed to open it. They invited the American Minister to take the chair and deliver the inaugural address. He appeared there before a meeting of English workingmen, and a welcome guest he was. Being led to the chair, he rose on the platform and said he could hardly persuade himself that he was not about to address a meeting of his own countrymen in a hall in Boston. This is the sort of thing that ought to convince our people that the heart of England and the heart of America are not very far asunder; and this trouble arising out of the fisheries question is a sort of fictitious thing engrafted on the national feelings of America, and not taking its intended growth there, for I firmly believe it extends no further than the trading politicians. Yet one example more, it is quite historical: Not so long ago, only a few months, an American citizen of Philadelphia presented to the town of Stratford-on-Avon, Shakspeare's birth-place, a water fountain. This occasion called together a vast assemblage of people of all classes and of all ranks. Of course the American Minister, Mr Phelps, was amongst the rest, and here were read from various American gentlemen well known in the literary world and in public life, and in connection with the universities and learned societies, letters entering fully into the spirit of the thing and rejoicing that such an event could take place between the two countries, lamenting only that they were unable to be present personally. Every one must feel it a pleasure, I do decidedly, to refer to these facts; for it convinces me that that angry feeling which almost always prevailed between Great Britain and the United States in earlier days has passed away, and nothing but bad statesmanship can destroy this friendly feeling between the two countries. Thus it occurs to me that while I abstain from going into the merits or demerits of the fisheries question, some remarks incidental to the subject are not altogether inappropriate.

Pursuing the subjects of the address, I perceive that the Government propose to take action once more upon the Electoral Franchise. It certainly does not seem to indicate a very high grade of statesmanship having to deal at such short intervals of time with these important questions of the franchise and election laws. I cannot say that it disappoints me very much, for I always anticipated such would be the case; the provisions of the Electoral Law are so cumbersome and so inappropriate, that the sooner they are amended the better. I hope when the amendments are being made that the Government will introduce clauses which will give to the people of the localities a more direct interest in the registration office than they have hitherto had, and that there will be less of Government patronage and Government appointments connected with it. The people, through their local authorities, are best able to make such appointments as will carry out the details of the business, while the judges of assize are the fittest and most independent authorities with whom should rest the appointment of Revising Barristers—much more fitting than any party Government can be. My memory carries me back to the time when, after the passing of the first British Reform Bill, the electoral lists went into operation in England and I have a distinct recollection that upon the gates of the parish church the voters' lists year by year were posted; and the judicial authority who revised those lists was appointed, not by the Government, but by the judges of assize, and that system continued I think until the passing of the latest reform bill in England, when other provisions were made.

I presume from the clause relating to railways that it is intended that the bills to amend the Railway Act which it is proposed to introduce, will have special reference to companies' railways; but I do hope that whatever measures the Government introduce will also have reference to the national roads, because I am of opinion that they are in need of

reform in their management quite as much as the companies' roads. At all events, supposing its should appear that they need reform, would it not show the confidence the Government feel in the superior management of their own roads? But while I can say this, and I am willing to do so, that as far as my observation has gone the road beds of the Government Railways over which I have travelled appear to be in excellent order and the carriages in which I have travelled appears to be in good condition, it does seem to me that there is a want of good management at the stations and that the number of men employed are inadequate to conduct the business. It must be recollected that on railroads such as we have in Canada the traffic comes during a limited period very heavily on the employes, while at other times they may have considerable leisure; the consequence is that those inconveniences react upon the passengers in general. Quite within a recent period I have observed things which I thought ought not to be tolerated upon any railway. For instance passenger trains arriving at a station are not drawn up to the platform. It causes great risk, besides the period for stopping is so ill defined that passengers are put to much inconvenience. These defects are very easily remedied in the hands of competent managers who understand the business.

I have given notice myself to-day with reference to affairs in my own Province to which I do not intend to allude at present. I feel that perhaps the House has treated me with almost too much indulgence in listening to me for half an hour at this advanced period of the evening, but I could not refrain from rising to my feet, because it would have been the first occasion since I held a seat in this House that I did not offer a few remarks on the Address at the opening of Parliament.

HON. MR. ABBOTT—In closing a somewhat prolonged debate, it is not my intention to discuss at length any of the matters referred to in the Address, which must necessarily come before the House in another way. The feeling has long been gaining ground both in this country and in England that as to important questions which are likely to become subjects of debate during the session upon a substantive motion, it is not expedient to spend time in discussing them upon the Address, when no material result can be obtained from such discussion. It is not therefore my intention to enter upon any of the subjects mentioned at any length, but merely to glance hastily and cursorily at some of them, which have formed the subjects of remark by hon. gentlemen opposite.

Of course, no one can differ from the opinions which have been expressed as to the two gentlemen who moved and seconded the Address, and the compliments which have been paid to them. We were unfortunate in the lamented illness of the Hon. Senator Rolland, who, it was understood, was to perform the function of moving the Address, but we were gratified by being able to hear on that subject a gentleman who has distinguished himself so much, not only in the other representative house of the Dominion, but also in his own province; and I think the Senate is indebted both to him and to the hon. Senator from Hamilton, for the manner in which they performed the important duty which they assumed at the commencement of the Session. A subject which they and other hon. gentlemen have referred to, that of the departure of His Excellency the Governor General, is one on which, also, I am sure this House will have but one opinion. Everyone will cordially concur in the sentiments of appreciation of His Excellency's services in his high position, and of regret at his departure, which have been expressed by every gentleman who has spoken. We must all admit, and we will all, I am sure, admit gladly that His Excellency has performed his duties in an eminently constitutional manner, and that he has also distinguished himself by promoting in every possible way a taste for the fine arts, and culture generally, throughout the Dominion. It must not be forgotten that like Canada herself, His Excellency represents two of the great races of the world; and while he has shown his English extraction by the practical thoroughness of his attention to business,

and the efficient performance of the public duties which have fallen upon him, I think he has not less manifested his near relationship to our fellow subjects of French origin, by the brilliant gaiety of the hospitality which he and his distinguished wife have shown us during their sojourn in Canada. Disposing of these matters with fewer words probably than they deserve I come to the prominent subject of much of the discussion which has taken place in this House.

The hon. gentleman from Ottawa more particularly discussed at considerable length, the terms of the Fisheries Treaty which has just been signed. With regard to that I observe in the Speech that His Excellency tells us that this Treaty will be sent down to us, and that he expresses a hope with regard to it, in which I dare say we all very cordially sympathise. But the hon. gentleman from Ottawa is not disposed to wait for the reception of this Treaty which His Excellency promises us; he takes his views of it from newspapers; from a source which perhaps cannot strictly be adopted as a basis of discussion in this House—at all events not as a basis of any substantive action in Parliament. I must say also that my hon. friend in his mode of treating it, reminds me of a Joe Miller, or in more modern phrase, "a chestnut," which I saw in a newspaper two or three days ago, where it was reported that a certain gentleman, who was asked his opinion of the Treaty replied, "I have not read it, but I think it is utterly unsatisfactory." The hon. gentleman has probably read the Treaty; one can discover traces of it in his speech; but I must say he has not read it carefully—that he has, as he said, "only cursorily glanced at it," and in that cursory glance, he omitted to notice a great many things which are in it, and imagined he noticed many things which are not in it. My hon. friend, in one or two instances reminded me very much of the celebrated charge against the windmills, which were supposed to be giants, but on further examination turned out to be only commonplace windmills. I could, without much difficulty, point out two or three features against which my hon. friend levelled a great deal of his eloquent invective, which do not exist in the Treaty at all—not even in the newspaper copy of it which my hon. friend cursorily glanced at before he made his speech. I do not think, unless my hon. friend particularly wishes it, that I will on this occasion even go so far as to point out any of those points, though it would not be certainly difficult to do so. On reflection however, I will refer to one.

My hon. friend referring to the articles of the Treaty, spoke of the case of an American ship coming into port in consequence of some disaster or casualty. As my hon. friend explained to us, a disaster or casualty might consist in the losing of a hawser, the carrying away of a topsail, or some unforeseen accident, incident to seagoing vessels of that description, and then he argued that upon that pretence, having come into harbour, she was authorised to perform all the acts of a trading vessel, unload and sell, tranship reload again, and go out to sea and fish. My hon. friend in that cursory glance of his, only looked at one half of the paragraph to which he referred; it is article 11 of the Treaty which provides that:—

"United States fishing vessels entering the ports, bays and harbors of the eastern and north-eastern coast of Canada, or of the coasts of Newfoundland under stress of weather or other casualty, may unload, reload, tranship or sell, subject to the customs laws and regulations, all fish on board."

That, certainly, is in the treaty as my hon. friend said: but in the cursory glace which he gave the article, he did not read the remainder of the sentence which is as follows.

"When such unloading, transhipment or sale is made necessary as incidental to the repairs."

Now, the unloading and sale of the cargo or its transhipment to United States ports would not be necessary as incidental to the repairs, that is to the purchase of a new hawser, or the fitting of a new topsail. And all the reproaches levelled against the Treaty in respect of this article were entirely groundless. But I am not going into the Treaty at any length; I wish merely to indicate that I do not concur in the view of the Treaty which my hon. friend has stated to the

House. I differ from him in toto as respects that, and, when the Treaty comes down, I have no doubt, my hon. friend having read it, and carefully studied its provisions, will deal with it with that candor and fairness which we know is his usual characteristic. That I am satisfied of.

My hon. friend from Halifax (Mr. Power) was more moderate in his deal ings with the treaty, and I was pleased to see that he is quite prepared to consider it upon its merits, and discuss it upon its merits, when it comes down, with a fair appreciation of the difficulty, which, no doubt, both sides had to encounter in arriving at any conclusion at all. There is just one point in my hon. friend's observations to which I would refer, and that is as to the discussion which took place last session with regard to municipal laws. My hon. friend put a notice on the paper last session, in which he called the attention of the Government to the necessity for insisting in any negotiations which might take place, that United States vessels should be required to conform to the municipal laws of the Provinces into whose ports they enter. My hon. friend will be gratified to see that there is a clause in the treaty devoted to that subject. It is a fact that at one time the American Government contended that their ships were not to be bound by our municipal regulations, because in that case they argued that they might be deprived of all the benefits of the Treaty of 1818; but they receded from that position, in the main, long ago; and now, an article of the treaty, so far as I can judge from the newspaper report of it, provides expressly with respect to the precise point to which my hon. friend called my attention. Only one word more with regard to this treaty. My hon. friend from Ottawa read a passage; and I have seen it quoted in newspapers and in speeches with regard to the treaty, a paragraph from the correspondence laid on the table last session, and my hon. friend claimed that the Government had entirely forgotten the position they then took. The paragraph is as follows:—

"Such a surrender on the part of Canada would involve the abandonment of a valuable portion of the national inheritance of the Canadian people, who would certainly visit with just reprobation those who were guilty of so serious a neglect of the trust committed to their charge."

Now to what does this refer? My hon. friend would have us believe that this has reference to the arrangements which are made in the treaty, and to the concessions, if any there be, which are contained in the treaty. In point of fact this occurs in a representation of the Privy Council upon a formal statement of all the pretensions of the American Government, in correspondence long before the appointment of the Plenipotentiaries; not merely those which had been dealt with by this treaty, but many of them I dare say not brought up at all in the discussion upon this treaty. They are summed up by the Privy Council in this way:—

"It is not to be expected, that after having earnestly insisted upon the necessity of a strict maintenance of these Treaty rights, and upon the respect due by foreign vessels, while in Canadian waters, to the municipal legislation by which all vessels resorting to those waters are governed, in the absence moreover of any decision of a legal tribunal to show that there has been any straining of the law in those cases in which it has been put in operation, the Canadian Government will suddenly and without justification supplied by any new facts or arguments withdraw from a position taken up deliberately, and by doing so, in effect, plead guilty to the whole of the charges of oppression, inhumanity and bad faith, which, in language wholly unwarranted by the circumstances of the case, have been made against it by the public men of the United States."

That is the conduct which the Privy Council stigmatizes as a surrender on the part of Canada of its national inheritance, and no such circumstances, no such pleading guilty, no such admission or abandment of its pretensions is to be found in this treaty, or in the conduct of its representatives. On the contrary I am confident we will find, when we receive this treaty, that it will be considered in the words of his Excellency, "honorable and satisfactory to both nations." And it will be found that neither our representative from Westminster nor our representative from Ottawa has betrayed in any respect the interests of the Dominion. But my hon. friend complained that while sympathy was ex-

pressed by His Excellency with the shortness of the harvest in some places, and we were congratulated that it was abundant in others, no congratulations were offered to the cotton lords, to the sugar refiners, the iron masters and the ranch kings, on their prosperity.

HON. MR. SCOTT—That is a misprint; I made no reference to ranches.

HON. MR. ABBOTT—I have it in my notes that my hon. friend made some reference to ranches.

HON. MR. SCOTT—No, I had not it in my mind, even.

HON. MR. ABBOTT—It would appear from the tone of my hon. friend that he had some animosity to those people, and he appeared to ignore the fact that they were comprehended in the congratulations offered by His Excellency on the general prosperity of the country—that is that the people who were conducting those great industries, and those industries themselves, formed no part of the population of the country—that they were pariahs and aliens, as many newspapers treat them; and in felicitating the country on the general prosperity of its people he did not intend to include the managers of industrial enterprises.

HON. MR. SCOTT—The pet babies.

HON. MR. ABBOTT—I differ in my view from my hon. friend altogether. I think the great industries of this country are as much in the interest of this people as its agriculture. They are both alike essential to us, and the encouragement of both, makes them the complement of each other, in the progress of the country. I do not know exactly what my hon. friend would desire to do with those pariahs and aliens; but I remember a time when there were no cotton kings, no ranch kings or sugar refiners in this country. About ten years ago we knew nothing of such people here. In those days, my hon. friend will remember, the farmers could boast of being able to sell their produce very cheaply, but the misfortune was there was nobody to buy it. Although butter could be bought at 12½ cents a pound the people had no money with which to pay for it, no matter how cheap it was And that same stagnation in trade, and absence of reward for labor, in every branch of business comprised all the products of the farm. Then butter was made into car wheel grease for want of somebody to buy it and eat it. That kind of stagnation prevailed when we had none of these cotton kings, no ranch kings, no iron masters and no sugar refiners such as we now hear about, many of those industries now existing, employing tens of thousands of our people, and enabling them to earn not only, the necessities but the comforts of life by honest labor in those industries. I hope that my hon. friend, in speaking of all those industrial undertakings, does not mean to say that he wishes them to stop—that he wishes to destroy all those manufacturers; that he wishes us to send to other countries our laborers and mechanics, who have now become skilled in the working of those industries? I sincerely trust that he does not mean that; and I think the country is to be congratulated, as His Excellency says it should be, on its prosperity, and I understand the phrase to include the people prosecuting these great manufacturing industries of our country, as well as, and no more and no less than the numerous and important section of our people engaged in agriculture. I regret that the drought, and not the Tory Government, has caused a shortness in the crop in some not very extensive sections of the country, but I hope I do not understand my hon. friend correctly if he suggests that another remedy is, not even to go back to the state of things in 1878, but to hand all the property and the industries of this country over to another? I took a hurried note of my hon. friend's remarks but still I doubt if he really started the idea of unrestricted reciprocity or commercial union, as a remedy for all those things of which he complained.

HON. MR. SCOTT—Unrestricted reciprocity, not commercial union.

HON. MR. ABBOTT—I have never been able to discover any difference between them, and I do not think there is

any difference. I am not going to discuss them now, for they may be subjects for discussion on another occasion. But it seems strange to me that my hon. friend should complain of some concessions which he says have been made by the fisheries treaty, as a sacrifice of the interests of Canada; yet should be prepared to hand over the whole of those fisheries to the United States., without any remuneration or any advantage whatever, beyond simply the right of shipping their produce to the United States free of duty.

HON. MR. SCOTT—A free market.

HON. MR. ABBOTT—That is, the hon. gentleman proposes to introduce into the fishing grounds of Canada—this inheritance of incalculable value—60,000,000 people, and to grant to them the same rights in those fisheries that are now possessed by our five millions. In that way, probably, at the end of ten years, we would find the coast of Canada, like the coast of Maine, without sufficient fish to repay the fishermen for visiting them. That invaluable property he does not hesitate to hand over; and what else? He would give them all Canada as a free market for their manufactures, and so produce a state of things worse than the condition we escaped from in 1878, when, notwithstanding the existing duties, our markets were made a slaughter ground for American manufactures: so that it was impossible for native industries to stand up against such competition as we were subjected to by the wealthy capitalists, and trained artizans, of the enormous manufactories of the Eastern States. So that in addition to the fisheries, the home market our manufacturers have a right to look to, would be handed over; trade would be diverted from our shores; our revenue would be destroyed; the control of our own traffic would be taken from us; and, in fact, we should lose everything that a free, an industrious, and a spirited people, as I hope we are, could value—all are to be handed over to our neighbors.

HON. MR. SCOTT—No.

HON. MR. ABBOTT—Yes we should be deprived of the power of fixing our own duties and therefore of regulating our own revenue. It is a policy which I hope I shall have an opportunity of exposing before long. To adopt unrestricted reciprocity would be to abandon the entire control of our own affairs. It was such a policy as this which brought about the trouble between the United States and England when the tea was thrown into Boston harbour because it was taxed by a country in whose Parliament they had no voice, and by the imposition of duties over which they had no control.—

HON. MR. MILLER—Worse than that; the country that taxed them was the Mother country.

HON. MR. ABBOTT—How could we do anything to promote the expansion of our trade under commercial union? Every measure for that purpose would have to be subjected to the control of the American Government; and what should we do for revenue? Should we take the pittance that might be dealt out to us by the United States at their pleasure as a gratuity for what we have relinquished and to enable us to carry on our Government and pay for the administration of justice? Such a position is one I hope I may never live to see, and I do not believe that I ever will see. I have too much faith in the spirit of independence of the people of Canada to believe that such a state of things can ever be allowed to prevail.

The hon. gentleman from New Westminster (Mr. McInnes) made some plaintive remarks as to the neglect of his Province with regard to their fisheries. Now, the reason why I think this Commission did not take up the question of their fisheries, was, that it was not referred to them—and if the Commissioners made such a bad Treaty as his remarks a little while ago indicated, it was a fortunate thing for that Province. The whole discussion before the conference was as to the fisheries on the North-East coast of America; it was with reference to those fisheries that there has been a series of disputes lasting from before 1814; and it was with respect to those disputes that the reference was made.

HON. MR. MCINNES (B. C.)—Why were not the Pacific coast fisheries included?

HON. MR. ABBOTT—My hon. friend never told us that they wanted anything of that kind. His province has got the league of water outside of their coast which international law gives them, and they have never complained of any violation of their rights in respect of their fisheries, except in respect of the seizure of some sealers in Behrings Sea.

HON. MR. MCINNES (B. C.)—We have.

HON. MR. ABBOTT—My hon. friend says they have, but I have not heard of it, and surely he would not propose to leave a question like the seizure of the sealers to arbitration? There is no question susceptible of discussion in that matter at all; and so far as I know the American Government has never pretended that they had any right to seize those sealers in the Behrings Sea.

HON. MR. MCINNES (B.C.)—Might I ask the question, have the Canadian or Imperial Government made any demand on the American Government to give up those vessels improperly seized? If they have done that we will exonerate them.

HON. MR. ABBOTT—I cannot precisely say what the demand has been, but a correspondence has taken place respecting the unlawful seizures, and the injury done, and that correspondence can have but one result—that proper reparation will be made for the loss that has been sustained. But it must be remembered that after all, this is not solely an encroachment upon the privileges or rights of Canada; they have seized their own ships, taken their own vessels, and sought to condemn them for fishing in Behrings Sea. I may venture to say that these proceedings were the result of grave presumption on the part of a great trading Company, and that they will be reprobated by their own Government in due course, as it has already been reprobated by every one who has any knowledge in International Law. So that my hon. friend may rest satisfied that such lamentable transactions as those in Behrings Sea will not in all probability be repeated.

I am sure that everyone will feel gratified at the moderate way in which my hon. friend, coming from such a warm atmosphere as Manitoba (I speak of artificial heat), has been pleased to treat the question of disallowance. I am sure my hon. friend has considered, and I think probably a good many people in Manitoba have carefully considered the position of this matter. In the first place, as was said last session, when the matter came up for discussion, the policy which they claim they are injured by, is one which was adopted before the present Pacific Railway Company was incorporated. It was adopted before the present Government came into power. It was adopted by Mr. Mackenzie's Government, and was followed up by this Government; it received the approbation, I think of the large majority of the representatives of Canada last session, and I am not disposed to consider that that decision has been changed. The enormous expenditure made by the country to establish the C. P. R. was made for the purpose of creating a highway between the two oceans on our own territory, and to secure for the Dominion the trade of its own ports. The efforts being made in Manitoba tends to divert the trade of the North-West from a large portion of Canada. The war which has been declared, nominally against the C. P. R., is really a war against every port on the Atlantic seaboard. It is a war against St. John, Halifax, Quebec, Montreal; in fact, against every port to which a ship has access in the waters of the Dominion, because it is calculated to divert from those ports, and into the ports of a foreign country, the traffic which we had a right legitimately to claim for ourselves as just compensation to the Dominion for the expenditure upon our national highway, and for the protection generally, of the trade of our country. It is not to be denied that the people of Manitoba and the North-West must have sufficient means of transportation for their products

at reasonable rates. That is a principle which must be conceded, which no one can deny, and which no one is disposed to deny. It has been said that there has been an interruption of this transportation during the past winter. I understand that trains have been delayed, but to say that it has been to the extent or has assumed the proportions which are stated in the communications from that country, I think my hon. friend himself will admit is absurd. Every day furnishes evidence that the extraordinary statements as to the blockade as it is called are enormously exaggerated. The actual figures have been given, showing the exact number of cars which are in default, and which were not furnished from day to day during the whole period of this so-called blockade. And that statement shows that from 250,000 to 300,000 bushels of wheat, or about four days work, is all that is in delay. I see that Brandon has passed a resolution backing up the Winnipeg Board of Trade on this subject. I have had occasion to see a return made by a bank agent at Brandon, whose duty it was to give exact information on this subject, quite independent of the Government or of the railway, which came down four days ago, and which said that the previous week 23,000 bushels of wheat came into Brandon, and the railway company had furnished 73 cars. These cars were sufficient to carry down more than the whole of the wheat sent in, yet I find Brandon is one of the places which has protested against "the blockade." A little consideration would show how unreasonable this outcry is. We have had a severe winter, and for three or four weeks an almost unprecedented quantity of snow north of Lake Superior and westward of it. The railways in the Western States, instead of being moving all the time, as the Canadian Pacific Railway has been, have abandoned whole trains in the snow for six weeks at a time. Those gentlemen who make those representations from Manitoba know that this is the fact. What is needed on the Canadian Pacific Railway is additional cars to carry this traffic. My hon. friend knows perfectly well we will have from his Province this year about 12,000,000 bushels of wheat to export. What proportion does that bear to the exportations of previous years? It is not many years since I had the honor of being engaged in the discussion of the charter of the Canadian Pacific Railway Company, and at that time it was stated that probably one train a day would be sufficient to carry all the traffic for that road for years. It is just eight years ago since that discussion took place, and in good faith on all hands, it was supposed that one train a day might accommodate the western traffic that would come to the Canadian Pacific Railway. And this year its wheat traffic has jumped say from 4,000,000 bushels to three times that amount. Is it strange that with such an extraordinary ratio of progress in the traffic the company should find itself, for a time, hampered for want of rolling stock, in the carrying of traffic so far exceeding the most extravagant calculations. I am not able to tell you how many trains a day have been passing over the Canadian Pacific Railway this winter, but at least from fifteen to twenty trains a day have been carrying the products of the North-West to the seaboard during the whole season. Additional elevators and warehouses are urgently required, and an additional quantity of rolling stock is needed, more cars and more locomotives, and we understand efforts are being made to obtain them; and though we may have another harvest next year as far exceeding this one as the harvest of this season has exceeded the last, I hope there will be found no necessity for any complaints of transportation facilities. I repeat that the North-West and Manitoba claim no more than their right, when they demand that they should have means of transportation, prompt and sufficient for the products of their country: and no effort will be spared in the provision of such means, consistent with the interests of the Dominion.

With these few remarks, I shall simply say that I hope the Address will be adopted, and that when the Treaty itself comes down, the most important subject referred to in the Speech, we shall be able to fulfil the hope expressed by His Excellency. As respects all the other subject matters of the Speech, I may say that everyone appears to approve of them

as proper subjects for legislation, and I trust when the Bills come down, that there will be a candid and fair concurrance of both sides of the House, in endeavoring to make them as perfect as possible.

The motion was agreed to.

The Senate adjourned at 6:20 p. m.

THE SENATE.

Ottawa, Tuesday February 28th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

DIVORCE PROCEEDINGS.

MOTION.

HON. MR. GOWAN moved :—

That a Special Committee be appointed to frame new Rules and Orders and forms touching proceedings in divorce, and for regulating the procedure upon applications for divorce before the Senate, and that such Committee shall consist of the Honorable Messeiurs Abbott, Miller, Scott, Dickey, Pelletier, Power, Macdonald (B C.), Vidal, Haythorne and the mover.

He said—I think it is within the knowledge of many members of this House that for some years past the subject of divorce proceedings and the practice concerning it have not been favorably regarded. My own personal observation has led me to the conclusion that some reform is urgently needed, and I am satisfied that every one who has *considered* the subject must be impressed with the necessity of something being done towards placing the proceedings for divorce in Parliament on a better and more satisfactory footing. I had hoped that possibly the matter might be undertaken by the Government, or that some gentlemen of experience in the House might have engaged in the necessary study and preparation and submited a scheme to effect the needed reform, but no one seemed disposed to do so, so feeling very strongly impressed with the necessity of action, I made up my mind that as a matter of duty I should submit the question to this House, and accordingly I gave the notice which is now upon the paper. It is due to the House that I should enter somewhat fully into the matter and explain some details of the measure, for in a matter of this kind, not merely the principle should be given, but the manner in which the remedy proposed is to be carried out, should be explained also, it being largely a matter of proceedure. I regret that it has not fallen to some one more competent to deal with the subject but after a very careful consideration and much reflection, I have prepared a measure which I trust may not be found unacceptable, for I am persuaded that it is necessary, and I feel confident that it will be an improvement on the existing procedure and remove many, if not all, the objections which have been urged against it, and that without adding one farthing to the public burden.

There are few hon. gentlemen from my own Province at least, who have not heard complaints and objections touching the mode of proceedure in divorce cases, and there has been generated a desire for the establishment of a divorce court as a remedy. I do not, as I now view the matter, favor so expensive and radical a change. The remedy, I believe, is in our hands, and can be promptly applied, and with a saving instead of a large outlay to the country. There is beyond doubt, a general and strongly expressed sentiment for a reform of some kind, whatever form it may assume. I have been told that no manifestation of

public opinion will aid a move in the Senate, wherein only the reform I propose can be accomplished. This, and many other unkind and unjust things have been said of the Senate. As respects this particular allegation that the influence of public opinion is not sensitively felt in this chamber, I believe it is not true, and I am acting now because I so think. For the most part, men advanced in years of the people, from the people, and representatives, as we ought to be, of the independent worth and intelligence of the community, all our interests bou d up in the prosperity of our country, which I believe, includes the conservatism of existing institutions, so unworthy a feeling as indifference to public opinion—well-considered public opinion —ought not, and does not prevail in this chamber.

The subject of divorce I know has occupied the thoughts, if it has not found full expression from the lips of very many earnest Christian men in Canada, men who have looked with horror and alarm upon the lax administration of the law,the encouragements to divorce in other hands —wherein also was the feeling of alarm and the warning voice heard—too late or despised.

In France a system of lax divorce was established by the law of 1792, and was substantially confirmed by the code but was abolished on the restoration. From 1830its re enactment has been frequently pressed ; in 1884it was again established, and this with the experience of their own past, and in the face of the dire evils laid bare in the history and statistics of divorce in the United States. M. Naquet, who introduced and vehemently advocated the law of 1884, was for divorce without any reason assigned and by either party even against the will of the other. His constant cry was "je suis pour la solution de 1792." He argued for supreme laxity, giving as a reason the further we can get away from the existing law of prohibition the better; other alleged reasons are "liberty" and "civilization," as thus :—

"Je suis pour la solution la plus large, parce que j'ai au plus haut degré le respect de la liberté individuelle, et que je ne saurais admettre, en aucun cas, que la loi puisse contraindre les citoyens corporellement dans un ordre de choses où, en dehors de la libre volonte, il n'y a plus que dégradation, immoralité révoltante."

On the same wide principle he defends the repudiation of an unwilling partner at the pleasure of the other:—

"Il est contraire au principe de notre civilisation actuelle qu'un homme ou une femme puisse être contraint corporellement ; les contrats n'ont d'autre sanction que la condamnation à des dommages—intérêts ou des condamnations analogues, jamais l'oblition de faire ou ne pas faire. Le divorce est donc de droit lorsqu'un des époux l'exige, alors même qu'il ne s'appuie sur aucun motil légal pour l'exiger."

A franker exhibition of logical selfishness than this application of the contract theory it would be hard to find. It is but one step from this doctrine to what of Baron Wilhelm Von Humbolt and his commentators in the Westminster *Review.*

(I have quoted M. Naquet from a most admirable work "Marriage and its Enemies in England," by John Walter Lea, a well known writer on Christian morals.)

I have not been able to see the law of 1884. Strangely enough it is not to be found in the Library of Parliament, but judging from a published letter of M. Naquet in July 1884, the measure must have been largely in harmony with his vicious views. He says—"Je suis donc très content de résultat obtenu."

I should like to show something of the workings of lax divorce laws in France, but my imperfect knowledge of French is a difficulty. I may mention the evil showed itself from the first. Within three months after the passing of the law of the National Assembly (for the encouragement, I may say, of divorce) almost as many divorces as marriages were registered in Paris, and in the whole Kingdom 20,000 divorces in eighteen months—a perfect deluge of immorality overflowing the country. Well might Abbé Gregoire exclaim "*Vraiment cette loi-ci vent bientot desoles toute la Nation.*" But what concerns us more closely is the growth of the evil in the United States a country with which we have such intimate relations and which borders us for some 3,000 miles. Hear what some of their own writers say.

A writer in a leading American journal some years ago, speaks thus :—

"The large number of divorces granted in the United States, the rapidly increasing number of applications for divorce, the *ever changing variety of causes of divorce*, and the strong disposition manifested by legislative bodies to afford every facility asked for a dissolution of the marriage contract, is engaging the earnest attention of moralists and thinking men."

A well known American divine, after referring to the fact that "formerly the law allowed less latitude to applications for divorce" and speaking of the progress of the evil as "alarming and terrible," and "the baneful influence of this corruption on a people otherwise remarkably distinguished for their intelligence, morals and religion," and pleads in scathing language against latitude in divorce.

"The progress of divorce," said he, "though different in different countries will in all be dreadful beyond conception." * * "They are divorced and undivorced, adulterers and adulteresses, of whom the spirit of truth hath said that not one of them shall enter into the Kingdom of God. Over such a country a virtuous man, if such an one be found, will search in vain to find a virtuous wife. Wherever he wanders nothing will meet his eye but stalking bare-faced pollution—the realm around him has become one vast brothel; one great Province of the world of perdition."

A more recent writer says :

"Among the social problems which are forced upon us for solution none are more radical in their relation to society at large than the matter of divorce, none are charged with greater danger for the future of the United States. If the foundations be destroyed what can the righteous do" * * * * "Recent statistics are appalling. Where we would least expect it in New England the land of the Puritans the evil is assuming large proportions. The ratio of divorce to marriage in several States is now as one to ten, or even greater in some States, and in one State the ratio has, within 20 years increased from 1 to 51, to 1 to 21! * In this city" (New York) "in only three of our courts nearly 3000 divorces have been decreed since 1870 and the number in 1882 was almost double that in 1872. Whereunto will this grow? Is it not time to sound the alarm is not the marriage bond fast becoming a rope of sand."

Amongst the causes stated for this terrible state of morals is

"The extreme laxity of divorce laws in several States by which every facility is afforded for annulling the marriage contract."

And the writer goes on to say—

"Our Courts have a duty on the case. In the interests of morality and public virtue they are bound to frown upon this growing laxity and lay a strong hand upon the evil to the full extent of their power Also to take the lead in a movement for reform of State divorce laws, and to secure a National law that shall be uniform and wholesome in its operations."

I quote from an able and well known periodical "The Homiletic Monthly" for November 1883.

I will give another extract from the same publication for July 1884, some facts and statistics which may well startle the virtuous and religious part of the community.

"Connecticut granted 91 divorces in 1849—about one for each 35 marriages of the year. In 1878 the annual average for 15 years had become 445, or one to every 10·4 marriages. Vermont granted 94 divorces in 1860, or one to every 23 marriages; and 197 in 1878, with a ratio to marriages of one to 14. Massachusetts 243 in 1860, or one to 51 marriages; and 600 in 1878, or one to 21·4. In New Hampshire there were 107 in 1860, and 314 in 1882. This latter year the ratio was one to 10·9; in the former it must have been about one to 31. Rhode Island recorded 162 in 1869, or one in 14 marriages; and 271 in 1882, the ratio becoming one to 11. There were 587 in Maine in 1880, probably one to at most 10, or possibly even 9, marriages. From such reports as other States give, a similar condition of things is found. The ratio of divorces to marriages in Ohio was one to 26 in 1865, while 1,806 divorces were granted in 1882, or one to 16·8 marriages. In the two most populous counties of Minnesota the ratio of divorce *suits* to marriages rose in ten years in the one county from one to 29·3 to one to 22·9, and in the other from one to 19 to one in 12. For six years the ratio of divorce *suits* begun in Cook County, Ill. (Chicago), to marriage *licenses* issued was one to 9·5. In 1882 the ratio of divorces actually granted was found to be one in 13·4, which is almost exactly the ratio for the year before in Louisville. St. Louis granted "about 305 divorces" in one year, and in the next 4 0 suits were entered. San Francisco divorced 333 married pairs in 1880, and 364 the next year Making the estimate of 9 marriages to 1,000 inhabitants, there were granted in that city in the latter year a divorce to each 5 78 marriages! Rev. J. E. Dwinell, of California, gives the statistics of 29 counties, out of 52 in that State, which show that 5,849 marriage licenses were issued and 789 divorces granted, or one divorce to 7·41 licenses. Yet counties in

other States than California make as bad or a worse showing. Philadelphia, it is said, granted 101 divorces in 1862, 215 in 1872, and 477 in 1882. There were 212 in New York City in 1870, and 316 in 1882. Complete returns show that New England granted 2,113 divorces in 1878, and probably the number last year was still greater, notwithstanding important legislation which has reduced the number in some of these States. It is safe to say that divorces have doubled in proportion to marriages or population in most of the Northern States within thirty years.

"From a recent report of the 'Italian Bureau of Statistics,' *covering a period of ten years*, we learn that the increase for each 1,000 marriages *between* '71 *and* '79 *in France was from* 4·46 *to* 9·14; in England and Wales from ·98 to 2·17; in Denmark from 36·27 to 40·29. Between 1871 and 1880 Italy remained stationary; Belgium increased from 2·85 to 7·40; Holland from 5·20 to 7·35; Scotland from ·11 to ·29; Sweden from 4·96 to 7·50; and Roumania from 9·05 to 10·86. Switzerland has the highest figures in Europe. Her rate is about 46, but in some cantons it is far higher. Other countries report for shorter periods. In Wurtemburg the increase is from 5·67 in 1876 to 12 25 in 1879; in Saxony from 21 in 1875 to 31·42 in 1878; in Thuringia from 14·33 to 17·48 in eight years; and in Baden from 4 53 to 7·31 in seven years; in Alsace-Lorraine from 4·46 in 1874 to 7·85 in 1880; in Hungary from 6·74 in 1876 to 10 in 1880; and in Russia from 1·33 in 1871 to 2·05 in 1877. From these facts, as reported both from the Old World and the New, it is apparent that there is a rapidly rising tide of divorce among the progressive nations, though the main swell and crest of this dark tidal wave is in America; and this is nowhere higher than where it breaks into the Pacific."

and still later in the January number of 1886 of a "Monthly Magazine of religious thought and discussions of practical issues," I find the following:—

"The country begins to be pretty thoroughly aroused to the evils of frequent divorce and the necessity of wise and efficient measures to ward off the imminent danger to the family and to the state and church as well. The evil has put on such fearful proportions during the last few years and chimes in so readily with the present demoralized condition of society, that only combined special and persistent measures will have the least chance of success."

"The National Divorce Reformed League," a most admirable association formed in New England in 1881, seems to be doing a great work in connection with auxiliary bodies having similar aims. Its membership includes representatives of all leading Christian bodies, Protestant and Roman Catholic, and it is conducted upon principles of Catholicity. The Rev. Wm. Dike, the corresponding secretary of the society, an able, earnest and energetic man, is doing a noble work, and under many difficulties diffusing information and arousing public attention to the nature and extent of the evil. The influence of the society he is connected with, mainly through his restless efforts, has, in the United States, been widely felt, and it has been the means of securing more stringent regulations in respect to divorce in several of the States.

I might go on for an hour citing the opinions of great and good men in the neighboring Union and multiply statistics going abundantly to show the evils of lax divorce laws and a still more lax administration, abounding in frauds. I could tell of alluring notices by "divorce "brokers guaranteeing secrecy and speed "in securing a divorce for citizens of "any State or country—advice free"—invitations to our people to "cross the lines," come back as divorced and call themselves free: but I have said enough to show the utter demoralization—the low ante-Christian views which prevail respecting the marriage state and the family. And "if the family be struck down the foundations are destroyed and the State and the Church must fall with it." But how is the family to be preserved if the *religious sustenance* be disdained and the merely *pactional* is to take its place. In this connection I would quote the historian Lecky, from his *grand* work on European morals:

"Against these notions (of transient connection and easy divorce) Christianity declared a direct and implacable warfare. * * * It taught as a religious dogma, invariable, inflexible and independent of all utilitarian calculations, that all forms of intercourse of the sexes, other than life long unions, were criminal. * * * There is probably no other branch of ethics which has been so largely determined by special dogmatic theology, and there is none which would be so deeply affected by its decay."

Thank God the people of Canada know how to estimate and do value and cherish the sacred character of the matrimonial tie, the purity and sacredness of the family—they know these sentiments.

—attributes of the higher law—are the source and life of Christian civilization and that without them no nation can permanently prosper. One of the ablest and purest writers and thinkers of the day, Goldwin Smith, has well said—"The family is of more importance than "the State; the family may regenerate "the State but the State cannot regener-"ate the family.

We may well be thankful that *we* can show a cleaner record than that of any other progressive people on the face of the earth. Till within a few years the ratio of divorce to population did not exceed one to a million of *our* people (the highest in any year was under three to a million) but who can deny that a germ of evil has reached us, who can deny that there is evidence of a growing tendency towards loose views —a *tolerance* of sentiments that a few years ago would have been promptly scouted and condemned. Nor is it to be wondered at with the contagion of evil example at our doors, a sort of legalized licentiousness under the specious veil of divorce, obtainable in some States on the most frivolous grounds—decrees almost mechanically granted with indecent haste—a frightful evil all the more fatal to morals and the more dangerous to us because flourishing under the shadow of law and amongst the citizens of a great and mighty nation —people of our own race, speaking our mother tongue, with whom we are in general and constant communication—social, literary and commercial, their country bordering us for some 3,000 miles. Yes, the best men in the United States have looked upon their divorce system as a malignant epidemic of evil. Some thirty years ago the evil was confined to a few States, but the diffusive power of poisonous principles prevailed, and now it has overspread the country from the Atlantic to the Pacific. In the early days the people saw the danger at a distance, and abhorred the evil thing. Perhaps they thought with Pope—

"Vice is a monster of such hideous mein
That to be hated needs but to be seen;"

and disregarded the moral:

"Yet seen too oft familiar grows her face—
We first endure, then pity, then embrace;"

and the insiduous influence worked on —its malign effect is now palpable to all.

Dare *we* say proximity to evil example can work no corruption of sentiment amongst us. Are we in any respect better than the men who assisted to extend the mighty nation to the south—the men of the strong will and toiling hand, who in the field, the forest, the mine and on the lake and the river, worked, and worked successfully, in extending the settlements, and doing all that intelligence and labor could accomplish? No, we can claim nothing of the kind—as they were so are we. Human nature is the same, and the influences they succumbed to must sooner or later operate with us it we do not (warned by their past) take precautions in time. Let us not slumber under the conscious feeling that no general loosening of moral restraints is to be found in this community. Eternal watchfulness is one of the safeguards of National purity as well as liberty. Let us take precautions in time. We have ample provision to guard against the introduction of contageous diseases and for treatment should they appear. Surely something may be done towards public safety in respect to a virus worse than leprosy itself regarding its effects on the social condition. It is the province of law in the National life to protect and conserve, and the conservation of morals is a worthy and a noble aim,

The subject of divorce has not been unnoticed in the public press, but it has not been pressed upon public attention by those who might be expected to notice the moral and religious bearing of the question. And yet we Canadians value religion and its teachings. We have churches, church buildings and "meeting houses" thickly dotted over the country. Nearly every religious body has an organ of its own, our ministers we count by the thousand. One is almost tempted to ask—are the watchmen all ignorant, or are they blind or sleeping, that loud warning voices have not rung again throughout this Christian land. Even the notorious Col. Ingersoll had a word to say against lax views touching marriage and the family; declining in this particular the teachings of his infidel school.

His words are emphatic. He says:

"Civilization rests upon the family. The

good family is the unit of good government. The virtues grow * * where one man loves one woman. Lover, husband, wife, mother, father, child, home—without these sacred words the world is but a lair, and men and women merely beasts."

I find this mentioned in an admirable litter work "Mistakes of Modern Infidels" by the Rev. Mr. Northgraves, a Canadian priest, who remarks "this is almost the only truth to be found in the book named, 'Mistakes of Moses'" and adds :—

Take away God's revelation and how will you show that man may not have as many wives as the Grand Turk * * You are inconsistent in using such arguments while rejecting Christianity. You cannot produce from all the repertoirs of infidels a solid argument against polygamy."

This may be said for Ingersoll that he does not at all events glory in the sentimental impurities of Eugene Sue who speaks of marriage as a galling device. A pledge that cannot be taken without falsehood or folly. "We ought not," "Sue says, "to accept such bonds for "were our love to cease we would wear "chains that would then be a horrible "tyranny."

I have dwelt perhaps too long on this aspect of the subject and should have reserved my small measure of strength, to speak of the practical side ; but I felt it a plain duty to bring out facts and to direct attention to great dangers which I believe threaten us, but may be averted by the zealous use of proper means.

The Constitution has conferred upon Parliament the power of granting divorce. Whether it would have been been better to enact a general law on the subject and leave a court or courts to apply legal rules in particular cases, I do not now pause to discuss. *There* is the power and what has been done to regulate its exercise? Whatever differences of opinion there may exist on the subject of divorce, all will agree with me that the law which permits separation between man and wife—the dissolution of a sacred life tie —should be administered by a known and safe method, the causes of dissolution supported by reliable evidence, severely, calmly and discreetly tested, and the enquiry conducted with some regard to legal forms.

Those who feel contrained to vote against divorce in every case will I hope see with me, that any scheme for better regulating and guarding the exercise of the legislative power of divorce against hasty or imperfectly considered action and calculated to secure what is orderly and safe in administration will be a *positive* good, and I look with confidence for their favorable consideration of the scheme, and trust that they will accord at least as much sympathy and aid as those who hold the same views in the United States *have accorded* to the efforts for divorce reform in that country.

A legislative body is not, necessarily, an unsafe tribunal for dealing with applications for divorce ; but if it be essential to safe working in the ordinary courts of justice, that *their* proceedure should be traced out and known, by a stronger reason is this required under a legislative process.

The existing rules of the Senate, which had their origin many years ago, are incomplete and imperfect, giving rise to well founded complaint causing waste of time ; and they tend, in my judgment, to uncertainty in result.

Before going into the question of new rules and orders, a brief reference to the practice of divorce may be made.

In England, before the passing of the Divorce Court Act (1858), no court existed which could give complete redress on the violation of matrimonial duty, but as early as 1697 the practice sprang up of obtaining private Acts of Parliament to release parties *a vinculo matrimonii* in case of adultery, and to set them free to marry again.

This jurisdiction was exercised from the first, by passing a law in favor of those who made out a case for interference by Parliament.

I find the Legislature of Upper Canada assumed and exercised the power of granting divorce and passed private Acts for the purpose.

The Province of Lower Canada never passed any Act granting divorce, nor do I find any application of the kind was made to the Legislature of that Province, the inhabitants appearing to be satisfied with *séparation de corps.* Yes, *le drapeau du Bas Canada est sans tache.* I was not surprised to find the fact brought out in an interesting work, showing much conscientious care and research, *Le*

Divorce et la Séparation de Corps, recently published by Mr. Fremont, of Laval University.—Remembering my own early feelings, in the time before health and strength had left me, I can understand this clever young French Canadian *glorying* in a fact so honorable to his native land. For of all the confederated Provinces Lower Canada alone floats a stainless banner in the pure azure that overspreads Acadian homes.

During the union between Upper and Lower Canada two Acts for the dissolution of marriage were passed, but a court empowered to grant divorce was never established in any of these Provinces. In the Province of Upper Canada the Legislative authority to entertain applications for divorce was not qustioned. In United Canada it was disputed, but the right was maintained and private Acts, as I have mentioned were passed by both Houses and subsequently received the royal assent, and such became the settled practice.

So far as I am able to trace the bills for divorce they were in "Upper Canada" and "Canada" treated as *quasi* judicial proceedings, and, to some extent, as between party and party though the Legislature was, of course, in every case of the kind making a law.

In the Provinces of Nova Scotia, New Brunswick and Prince Edward Island Courts of Divorce were constituted, and in existence at the time they were confederated, and are still in operation. I have been unable to get at the number of cases in Prince Edward Island, but there has been none *since* Confederation. I am glad to be able to say this—it will gratify my hon. friend from Alberta, who is proud of his island home—of our fair young sister, our little sister alone in her beauty pining to be united to those she loves full well, and I hope my hon. friend may procure the dot he so ardently seeks for her, see her happy union,and long bask in the sunshine of her smiles. The number of divorces granted since Confederation are: in Nova Scotia, 49; and in New Brunswick, 37. It is hard to account for this state of things in provinces which have produced so many great and good men, whose honored names will live forever in the history of the country —provinces which have been in the past and continue to be the nursery of statesmen and scholars throughout the Dominion—except on the ground that, in the material so in the moral, one does not require to live in the centre of a swamp to imbibe the material poison.

British Columbia stands upon a somewhat peculiar footing. There the Supreme Court takes cognizance of divorce causes, it having been determined by a majority of that court in 1877 that all the jurisdiction conferred upon the English Divorce Court belongs to and may be exercised by the Supreme Court of the Province. Only fifteen cases, I am told, have been before the court in the ten years.

In 1864 came up the long contemplated plan of a union of the British North American Provinces, followed by the Quebec Conference and the settlement of the basis of an Act of Confederation; afterwards the adoption of an Address to the Queen and finally the consummation of the grand design for a new and ampler national existence in the passing of the British North America Act by the Imperial Parliament.

The general legislative powers of the Parliament of Canada under this Act to make laws for the peace, order and good government of Canada, and an unfettered exercise of this power would necessarily carry with it the authority to make laws respecting marriage and divorce, as closely identified with public safety and public morals. (By a rarity of reasoning it has been held in the United States, that the State Legislatures *can* grant divorce *unless prohibited* by the Constitution.) The Constitution of Canada has not left a subject (once questioned) to general expression. The power to make laws respecting marriage and divorce has been made emphatic and express, being assigned, in terms, exclusively to the Parliament of Canada (Sec. 91 item 26) and for some 20 years Parliament has exercised this power in passing laws for the dissolution of marriage in 23 cases. Perhaps it was conceived that the power to deal with marriage and divorce would be delegated by Parliament to a court or courts constituted for the purpose, as had been done some few years before in England. But the Par-

liament of Canada has not seen fit to do so; and my present conviction is that Parliament has acted wisely in not parting with its power. I think it is to be regretted, however, that the Rules which regulate bills of divorce have not received the attention the importance of the subject demands, but have been allowed to remain in the crude and incomplete condition in which they are now to be found.

A word in respect to the practice assumed to be followed in the past. The provinces I have named in the exercise of their powers and the Parliament of Canada in the exercise of the plenary power aimed to follow, as far as reasonably could be done, the general principles upon which the Parliament of Great Britain proceeded in dissolving marriage by private bills of divorce, and rules were framed to some extent regulating procedure.

In the Legislature of United Canada before Confederation it was settled that private bills for divorce, in analogy to proceedings in the Imperial Parliament, should originate in the Upper Chamber and since Confederation it was settled that they should originate in the Senate. Dr. Bourinot, in his admirable work on parliamentary procedure, thus puts it:—

"The British North America Act of 1867 "places marriage and divorce within the "exclusive legislative jurisdiction of "the Parliament of Canada. In "conformity with the practice of the "legislature of Canada from 1840 to "1867 all bills are initiated in the Upper "House of Parliament."

The system of Standing Orders which prevails in England has been followed to some extent in British American provinces and the ancient usages of the two Houses in England are referred to, and as a rule recognized, if not always applied in the solution of matters not expressly provided by the Constitution or Standing Orders. The Senate of Canada in 1876 adopted certain rules and orders amongst them twelve in relation to divorce intended to facilitate the despatch of business to the extent covered by them; and doubtless the rules which result from the common Parliamentary law would be regarded as in force in matters not traced out, or when necessary to be referred to for the elucidation of the Rules and orders adopted—a rule of the Senate (112) expressly declares that in all unproved cases the rules, usages and forms of proceeding of the House of Lords are to be followed."

The practice of the English Divorce Court and the forms of proceedings and pleadings are too technical for, and are unsuited to, a legislative procedure, and the Rules we have adopted, so far as they go, and in unprovided cases, the rules and forms of proceeding in the House of Lords, now constitute the practice of the Senate in Bills of divorce.

Questions touching the dissolution of marriage have of late years been very fully elucidated in the judicial doings of the divorce court. Comparatively few cases have come before the House of Lords since Canadian Confederation, although it yet retains the power for legislative divorces in certain cases. There now exists in our Parliament much difficulty in the solution of questions or finding a clear analogy in determining the exact principle by which discretion should be regulated. Indeed, the decisions of Parliament have not been quite uniform in consequence of the great latitude now assumed to exist, and it is not easy to forecast what would be the result of a bill for divorce on a given state of facts, in the light of cases heretofore passed upon by Parliament.

With regard to existing Rules of the Senate, so far as they touch divorce bills, I think an examination will show them to be defective both in expression and substance, and that they need such revision as will place the practice on a certain footing and secure uniformity and regularity on sound recognized principles.

The business of every tribunal, whose functions are set in motion upon application made to it from without, should be regulated in reasonable detail, suited to the mode in which the power is exercised; and in divorce bills especially, which concern public order and are *sui generis*, the rules should clearly set forth the terms and conditions, and mode of procedure between Parliament and those who resort to Parliament for relief. This is fitting in every quasi judicial proceeding, and the judicial ascertainment of

facts upon which a divorce may properly be founded, should be made as perfect, as is possible to be made, by means of a tribunal of and in Parliament.

It has been urged that the establishment of a divorce court similar to that of England is desirable in order to secure cheap, speedy, sound and uniform administration and that the machinery for divorce should be purely judicial rather than quasi judicial and legislative and arguments, of more or less cogency, have been used in favor of a special court.

I am free to admit that a proceeding of a judicial character by a legislative process is not without inconvenience: but upon public grounds I should not desire to see Parliament divest itself of control in a matter which lies at the very foundation of morarity, and the purity of domestic life, and consequently the well being of society.

It is well there should be room for elastic action—the refusal to pass a law in favor of one who has outraged decency and morality—the power to exercise penal legislation, if I may so put it in gross cases. This power, in the pubiic interests, should I think, remain with Parliament. When involved in the exercise of its high functions, to make a special law in a particular case, perfect freedom of action should be preserved.

A court of divorce could merely declare the law and pronounce fixed judgment having relation to the individual contest alone.

There may be inconvenience as I have said, in the legislative process, but I do not think the inconvenience is insurmountable. I believe it may be minimized or overcome by appropriate rules regulating divorce proceedings.

But in any case the argument in favor of the establishment of a court seems open to objection and as at present advised I do not think it would be in the public interests.

The number of cases coming before Parliament is increasing, but with only thirty cases since Confederation, the probable number would not warrant the large additional burden, the establishment and maintenance of such a tribunal would involve.

'Tis true in Parliament these cases are disposed of but once a year, while a Divorce Court would be always open; but I am disposed to think *it would be anything but a blessing* to offer the temptation of a Court sitting always, for hasty appeals to dissolve the marriage tie. Moreover there would be more technicalty, of necessity, in the proceedings of a Court, as may be seen in looking over the proceedings of the English Divorce Court cases, and many vexatious impediments not likely to occur in Parliament. Then, as to delay: in most cases I think the time in obtaining a final decree from a Court would not be less, in the majority of cases, than in obtaining an Act for divorce.

The costs of obtaining a private Act are said to be high, and some regard this as an evil, but I venture to say they would be little less in a divorce court contest, and so, neither on the ground of simplicity and speed nor economy in procedure, can the arguments in favor of a divorce court, in my opinion be sustained.

Something has been urged, with more force, on the ground of uncertainty in procedure. I must admit the existing procedure is incompetent and unsatisfactory. I believe, however, this may be cured by a revision of the Rules for Divorce, and that a simple and intelligible practice can be devised, under which parties interested, or their legal advisers, could be able to clearly know the method and conditions upon which relief would, if granted at all, be obtained, and which would prevent improper appeals to Parliament—and guard against fraud and abuses.

With regard to the rules which have been framed and are now before you I would say, speaking generally, they are designed, in effect, mainly to form a single standing tribunal of and in Parliament wherein the pre-examination of the questions involved in each case could be deliberately conducted; and discretion guided and controlled in safe channels. I believe the action of such a tribunal (a good working special committee) would be calculated greatly to aid in the just determination of the questions involved and would subserve and not restrain the will of the Senate—would

facilitate and not obstruct the expression of its deliberate sense—what action should be taken under given facts and circumstances brought before the House by its Special Committee. It may possibly be urged *from within* that a single committee to do the whole work of a session would be an unreasonable demand upon the time and attention of a few.

It is certainly not a class of work one would covet but even if irksome and disagreeable, I cannot think there would be the disposition to shrink from the performance of a necessary duty. I may be allowed also to observe that even with ten or twelve cases in a session, a greater number than has been yet before us, the duty would not be more onerous than that of a Court of Justice at a session of the court. 'Tis true that other duties would require the attention of the special committee, but so far as my experience extends, in the early part of the session at all events our duties are not over burdensome, even to men advanced in life who have any residum of energy. To enable the amendments I propose to be considered in their entirety, and as a worked out procedure, I have drafted Rules; and with the observations I propose to offer upon each Rule, the House will be more fully in possession of the means by which it is proposed to carry the design into effect. I am anxious to show that an improved procedure can be worked out, and to do this it seemed necessary to frame the Rules I submit. I have had them printed, and copies will be found on the Clerk's table for the use of those who desire to refer to them. To avoid confusion in reference, the Rules, twenty-four in number, are lettered A. to X, I will take up in their order. I thought that by thus going through them I might hope to make myself better understood and be more easily followed.

The rules at all events may form a convenienent basis for consideration in Committee, and that will subserve my design.

A. This rule embodies the most important feature in the change proposed.

The divorce proceeding, it will be borne in mind, though legislative, is to certain extent judicial, and in a sense between party and party—the manner of trial and the method of proceeding should be known and uniform, and the power exercised upon known and intelligent principles.

The trial is not before the Senate, but before a special committee entrusted in each case with certain necessary judicial functions; *the mode of appointment and the composition of this tribunal is therefore of the first importance.*

Now, what is the present practice? When a case is ready for reference the member having charge of the bill names and moves the appointment of a committee of nine to take evidence and dispose of the case. The selection apparently depends upon that member; and upon his notion of fitness the composition of the Committee mainly depends. Whatever may be the theory on the subject, there are few cases, I think, in which the personal weight and influence of the member having the bill in charge fails to influence the selection and appointment. Men may act with the very best intentions, but I must think *the system* neither safe nor satisfactory. The appointment is of judges and jurors *for the particular case*, and not for the disposal of *all* such cases coming before the Senate; and at this stage it is certainly an *ex-parte* proceeding. Moreover, when it is necessary to appoint several Committees during a session the range of selection is greatly diminished. Further, the work of a session being divided among many Committees, none are likely to take the marked interest in the work that would be felt if the whole was committed to one. Nor would the same knowledge and experience in working be gained as would be acquired if the whole of this class of business was given to one Committee, and the added responsibility would doubtless secure more deliberation, and I think safer results. With a small Committee, the most experienced and very best men for the duty in the Senate would be selected.

I would myself prefer seven to nine, the number now selected in each case, indeed the smaller the Committee the more sensible every member of it would be of the gravity and responsibility of the position.

Bills of divorce are still promoted before the Imperial Parliament. In the Commons a select committee on divorce bills is appointed at the beginning of every session; in the Lords these bills are committed to a Committee of the whole House; and witnesses are examined at the Bar, a most tedious and unsatisfactory method—such has never been the course here, in the old legislative councils or in the Senate.

The practice of the English House of Commons seems on every ground the best and most convenient method, and the Rule A proposes a similar method for the Senate—the appointment of a single committee to be called "the Select Committee on Divorce.

Such a committee carefully selected, as no doubt it would be, would be a valuable aid to the House, promote uniformity of practice, and command full public confidence.

The double vote to the chairman in case of equality of votes is as now.

B. The rule I have been speaking of and Rules B, C and D refer to the constitution of the Inquisitorial Tribunal of the Senate, the Judicial Committee or Court, so to speak, of the body.

There is always a difficulty in determining matters of fact in a numerous body, there is a special inconvenience in doing so in a popular body, and this is marked by the case in divorce cases where difficult and delicate questions are sure to arise requiring some experience and a patient judicial spirit for examination and determination. The House would fairly and reasonably expect of this Committee, not only to make searching enquiry as to the facts, with all the deliberation exercised in an ordinary court; but also to investigate the rules of law and principles properly applicable to the case; thus bringing together the material for a right decision.

This, I may be told, would involve considerable labor and research, but it would be necessary if the Committee is effectually to serve the purpose designed. It is true the action of the Committee must be adopted by the House—but a standing committee, appointed and acting in the way proposed, would have the entire confidence of the whole House, and the Senate would rarely refuse its approval of a deliberate report—at all events, there would be the advantage of examination and presentment by a standing body of judges and jurors, so to speak, of the Senate's own appointment.

Under the present practice the Law Clerk usually acts as clerk for each committee, but it is well to make express provision on this head: and also as to the employment of short-hand writers, who now act under special authority in each case. The chairman, if alive to his duties, would always give proper and timely directions (as would the president of a court) and the chairman would no doubt make it his business, as it would certainly be his duty, to see that the work of these officers was properly attended to. To some extent the existing rules cover the ground in Rule C., but there is a provision for hearing *in camera*, to which I will presently advert.

D. Touching the next Rule D. At present, Senators, though not on the committee, may speak before the committee at any moment; but every one familiar with the investigation of facts and the conduct of business knows how this may militate against the discovery of truth in the examination of witnesses and also against the proper and regular conduct of an enquiry—the present rule which permits it, is proposed to be altered, and only allow the Senator's *presence.*

My personal conviction is that all enquiries should be conducted in private. Morality is not promoted by publicity in such details and I think a committee might be safely trusted with an enquiry in this way; but the previous rule does not go that length. I think however all will agree with me that there *are* cases, which should be heard, for mere decency's sake, with only these who are bound to make the enquiry and those concerned present; for example in cases of alleged impotency, this is done in the English divorce court and should be done here—and hence the provision in the rule for hearing *in camera.*

E is the first rule regarding proceedure proper—this rule, touching notice

is substantially as now giving a form with a view to uniformity. It is not to lessen the period for publication, though I think it might safely be done, if the service of a copy of the notice was personally made. Publishing the notice is a serious item in the expenses—

F. The existing rule touching service is vague and should be more definite to avoid question and discussion.

The principles of practice as to service in the Superior Courts may well be looked at as a guide they would at all events give some aid in solving questions by the light of adjudged cases—the rule framed I think will meet the requirements of safety and definiteness.

G. I consider this an important provision. In England and in Scotland the complaint is required to be verified, and the action of Parliament should not be invoked in any case where the petitioner was unwilling to pledge his or her oath to the honesty of the cause.

Requiring collusion and condonation to be negatived would be a warning to people that either was an answer in defence; and it might save a protracted inquiry that in the end would be useless, in case the matter negatived could afterwards be inferred from the evidence as existing in fact.

I would prefer the ordinary affidavit as generally thought more binding in conscience than a statutory declaration. But then serious questions might be raised to doing so, so I leave the matter as now to a statutory declaration.

H. This is in accordance with the existing rule—making the sum paid in expressly subject to the order of the Senate may not be unimportant.

N. This is a very important change. at present the sufficiency of the proof of service is determined on the hasty reading of the affidavits in the House, often imperfectly heard; a most inconvenient and dangerous method in a large mixed body. Few care to oppose the member who fights to maintain their sufficiency; and in any case that which lies at the foundation of an appeal to Parliament, natural justice requires should be carefully scrutinized.

The first wrong step is likely to be be taken here, and it is difficult to say what would be considered good service under skilful dealing, at all events the decisions are not very uniform or congruous. Refer it to a Committee and you will secure proper and deliberate scrutiny of the whole. The sufficiency of the notice and of the time of service, and that the bill does not transcend the notice, but is congruous with it.

The present practice of having written questions submitted in the House and then put in a sort of mechanical way to the witness at the bar, the answers to which the witness has usually furnished to him, and reads from the sheaf of answers put in his hands, is an awkward and tedious process, irksome to all, and moreover a very unreliable mode of examination.

Further, the papers and documents referred to are entered at length on the printed minutes of proceedings of the Senate, at no inconsiderable cost, for page after page is filled by them, and much valuable time, I think all must admit, is wasted every session.

The work could be better done and in half the time by a Committee. If economy of time and money is valued, this should certainly be changed.

J. This is the complement of the previous Rule and points out the duty of the Committee in detail. No investigation should be had of the *facts charged* if all preliminary requirements have not been fulfilled, and a committee will be the best primary judges on this head.

The important service is that of the notice of application; if it can be fairly inferred that the intended application came to the knowledge of the party against whom the divorce is prayed, it may be reasonably concluded the proceeding will be watched, if opposition be intended, and if the applicant is informed as to the manner he is required to serve a copy of the *the Bill* it will be in case of the applicant.

The latter part of the Rule is suggestive and may be of practical value.

K. Perhaps this Rule is not neccessary and that the Committee could act as indicated, but it may be well to give a pointer for action in doubtful cases.

L. This Rule provides that the second reading of the Bill is not to take place till days after the reception of the

report showing that the necessary preliminaries have been complied with; and requires as now, the posting of the notice of the second reading, and the manner in which the Bill is to be served is to be prescribed by the Committee in view of the circumstances of the case. This provision, as to what is to be deemed good service, will, as I said before, be in case of the petitioner and facilitate action. I think that fourteen days, the time now required for posting, is unnecessarily long, and that half the time would be sufficient—but the time has been left in blank.

M. This Rule is in substance the requirement of the existing Rule, but broader.

N. Rule N alters the present practice, there seems no necessity for a special motion to refer, it should go to committee as of course. It will be observed that a general outline of the duties of the committee is given.

The provision in the Standing Orders, 68 and 69, possibly would apply to divorce bills, being private bills, but it will be better to make express provision that they shall apply and make the divorce rules complete in themselves.

O. It seems advisable to make express provision as in the first sentence—the defence is implied in the present 77th Rule.

It should be made quite clear that collusion is a bar, and that it is the duty of the committee to see to it. The latter part of the Rule makes provision analagous to that in the English Divorce Court respecting intervention by the Queen's advocate. Intervention by the Minister of Justice is not made imperative, but when parties are represented by counsel, indeed in every case, it is rather an awkward thing for the fact finding body to pursue an enquiry suggested by itself, and which both the parties may be agreed or interested in suppressing.

P. Needs no comment.

Q There is, I take it, no binding Rule as to what evidence should satisfy on a case of the kind: but by analogy the ordinary broad rules of evidence would be acted on, though the proceeding is with a view to making a law; for from the nature of the case the enquiry is *quasi* judicial. Moreover, in a certain sense, in case of adultery, there is an *offence* (against morality) on the part of the party complained against.

But the present Rules do not lay down or indicate what are the rules of evidence generally, as in a court of justice—what is necessary to the judicial ascertainment of facts. Rule 78 alone touches evidence, and its expression but covers the celebration of the marriage between the parties, and defines, upon that point, that evidence by witnesses present at the marriage, or complete and satisfactory proof of the certificate of the officiating minister or authority shall be legitimate testimony. This express provision *on one point*, leaving the rest untouched is suggestive and anything but safe; indeed it rather gives the reins to latitude in other points. So far as I know the broad and more important rules of evidence have not been disregarded, but there should be neither doubt nor room for discretion in a matter so important. Regarding the enquiry in divorce cases as *quasi* judicial, and in some sort a proceeding for punishment of crime, a known code of evidence should be established and prescribed.

You cannot take the law of evidence in civil cases, which varies somewhat in the several Provinces, but the law of evidence in criminal cases applies to all and is common to all —the enquiry will be on a safe footing by taking the law of evidence in criminal cases as a guide.

The Rules R., S. and T. substantially cover the same ground as now.

It would perhaps be more convenient if the subpœna was issued by the Clerk of the Committee, rather than as now then the Speaker could issue the summons in blank to the Clerk. But it is not material to dwell upon this or other minute details. It can be done by the Committee.

An officer of the House, if not a Senator, ought, once for all, to be appointed taxing officer, and the law clerk should I think be the one selected.

There are some blanks in T. to be filled in. The printing I suppose should be done by the printer who does the work for the Senate. But he might be left to look himself after payment for his work—no certificate of payment should be looked for from him—the Clerk of the House would see that the proper

number of printed copies of bills was forthcoming.

U. This rule is instead of 112 as respects divorce, but not in cast-iron shape. Any general adoption of the rules and usages of the English House of Lords would doubtless carry with it the qualification "so far as applicable to the Par- "liament and state of things in Canada," but I do not think it would be well to adopt the English practice in terms and unconditionally—the general principles may well be applied.

The object of Rule V is obvious and does not need remark.

W. The old rules respecting divorce are necessarily abrogated.

X. A few forms are given to be varied according to circumstances.

I have now brought my subject to a close and acquitted myself, however feebly, of what *I* regard as a duty.

I had no hope of presenting the matter in an attractive form, and I fear I have tried the patience of the House. If these Rules are not the best that can be conceived they have at least been carefully and anxiously considered; and I am not without hope they will be regarded as an improvement on the present Rules—at all events, they present a consistent whole for regulating procedure in a matter of great public concern.

I have carefully avoided taking a wider range than was necessary and avoided matters upon which there is a wide conflict of views—confining myself simply to rules regulating divorce *procedure*.

If the House assents to the motion, I hold myself ready to give any further information that may be required to the Committee, and the rules I submit will form at least a basis for discussion.

I now appeal to our hon. leader for effective aid for I trust he will see in the scheme proposed an important reform and with his accurate knowledge and long Parliamentary experience such aid would be invaluable, and I respectfully claim it from him as the leader of this House.

My hon. friend the leader of this House, if rumour be correct—sometimes rumor is and sometimes it is not—is about to deal a death blow to an evil which has invaded the country from the South—I mean the "bucket shops," which are demoralizing thousands an sending every day men to the dock, or causing them to flee their country in disgrace and shame. I am hopeful that the rumour may prove correct. I think that a better work would not be possible for any Government or any person having the interests of the country at heart to undertake. Working on these lines he ought to be in full sympathy with my humble efforts. He would put down a vice growing out of the *lust of gain*: I would erect barriers against the indulgence of vicious propensities of another kind far more dangerous to the state.

HON. MR. SCOTT—I am sure the House is very much indebted to the hon. Senator from Barrie for the exceedingly able and thoughful address on the subject of marriage and divorce. He has certainly exhausted the subject. The first part of his address I thought afforded the most convincing evidence that divorce ought not to be granted under any circumtances, and the number of divorces in the various countries to which he alluded increased with the facilities given, and we probably would fulfil best the duties that are imposed upon us by obstructing the granting of divorces altogether. Holding the peculiar views that I entertain on the subject of divorce, I think it would not be proper for me to serve on the committee. Reading over the rules and listening to the hon. gentleman commenting upon them, I am quite satisfied that they are a decided improvement on the rules now in our book, more particularly the first rule which remits to seven senators, who are to be a spcial tribunal for the hearing of divorces that may come up during the session. In that way seven of the most capable members of the House may be selected, and this, at least, would be obtained by the introduction of that rule, and the results also probably would be more uniform than they are at present. As we know very well, there has been very considerable diversity in the results reached by the several committees to which these cases have been referred. I hope the hon. gentleman will excuse me from serving on this committee, for the reasons I have already given. Being

myself opposed to divorces, it would be improper that I should take part in the formation of rules, not to grant facilities (because those rules do not certainly grant any greater facilities than now exist), but rules for granting divorce in any case whatever.

HON. MR. OGILVIE—I do not wish to take up the time of the House on this subject very long. I do not agree with my hon. friend from Ottawa in opposing divorce under any and all circumstances. We should be very particular how relief is given; still I think there are cases where it would be a very great hardship indeed to refuse divorce. If the committee is to be appointed, as I hope it will be, some attention should be given to Rule E. Almost the same rule to a letter was framed forty or fifty years ago—that is, that there shall be six months notice given in the *Canada Gazette* and in two of the local papers. That was required when we hardly knew what a railway was—when it was harder to travel fifty miles sometimes than it is now to travel five thousand. It entails unnecessary expense upon applicants for divorce. In the first place, notice must be served upon the respondent, and no other person being interested, I cannot see the necssity of spending $70 to $100 for the publication of this notice. I do not mean to say that the notice should not be published at all, because if I were to say so I would be termed a radical, but I think a month's publication would be sufficient, and $20 ought to cover the whole expense. While the divorce committees to be appointed under these rules should be careful to see that everything is done properly, the House should be careful to diminish the expense of the proceedings as much as possible. In the Ash case, I know, the poor woman had to work for years to get money enough to make the deposit here of $200. There may be many such cases, and we should make it as easy for a poor person to obtain relief as for a rich person.

HON. MR. PELLETIER—As my hon. friend on my right has said, I really believe the House is much indebted to the hon. gentleman from Barrie for his elaborate speech on the important subject of divorce, but I feel myself in a very delicate position indeed, because the hon. gentleman, before giving notice of his intention to move for a committee, asked me if I would become a member of it, and I then saw no objection to giving my consent. But being in principle opposed to divorce, and having considered the matter and heard the remarks made by the hon. gentleman from Ottawa, I believe that although the Committee is for the purpose of restricting and limiting the facilities for obtaining divorce, I wouid rather not serve on the Committee, and would leave it to some other gentleman, abler than I am, to do so. Under the circumstances, I hope the hon. gentleman from Barrie will consent that my name shall be struck out of the Committee.

HON. MR. MILLER—I was not present when the hon. gentleman from Ottawa addressed the House, but from what the hon. gentleman from Grandville has said just now I think my hon. friend is unwilling to serve on the committee. I suggested to some of my hon. friends who hold similar views in regard to divorce, when I saw the new rules proposed to be brought into the House for the trial of divorce proceedings, that I intended to ask the hon. gentleman from Barrie to allow his motion to stand over for a few days in order that we who hold certain views on this question should consult together and decide whether we ought to serve on a committee such as that proposed. My hon. friend has at once declined to serve, and as the new rules, which I have not had time to read over, appear to establish a quasi court of divorce in this House, I should rather not serve upon the committee, and I hope the House will excuse me from doing so. I have another reason also: I do not think it would be well that so many members entertaining similar views to myself, opposed to divorce on any ground, should be upon a committee struck to form rules to be applicable to people who entertain an opposite opinion upon this question. I think that they would not have the same confidence in any conclusion that would be arrived at by a committee so large a number of whose members were known to be hostile

to all divorce. While I must, however, ask permission to of the House to decline to serve on this committee, I cannot but pay the highest tribute of admiration in my power to the hon. gentleman from Barrie for the great labor he has taken and the research he has shown in this matter. His intentions, I have no doubt, are of the very best description, and perhaps if he would get a committee who entertain the same views as himself, on the principle of divorce he might improve our manner of conducting the proceedings in such cases in this House. There is certainly one feature of the proposed rules of which I approve, that is the first Rule which contemplates a change in the mode of selecting divorce committees. I think the way in which these committees are now selected in this House is improper, and I have often thought how it could be remedied. Perhaps it could be remedied in this way as well as in any other—by appointing a carefully selected committee at the beginntng of the session to appoint all special committees to try divorce cases. The great objection to the present manner of selecting those committees might be overcome by adopting a rule of this kind. For my own part I think it would be well that gentlemen who take charge of bills of divorce should not be on the Committee to which they are referred; because although it is the usual practice in Parliament that a member promoting a bill shall be on the Committee to which such Bill is referred, still that is where the simple duties of legislation alone intervene; but the duty of a committee on divorce is not so much legislative as judicial, and therefore I do not think it right for a party promoting a bill to be on such a Committee. In regard to the manner of selecting committees we might very easily make an improvement and whatever may be the result of this motion, I hope we may be able to arrive at some conclusion which will be an improvement on our present mode of appointing committees of divorce.

Hon. Mr. POWER—When the hon. gentleman from Barrie did me the honor of asking me to serve on this committee, I told him I had no objection. After the declarations made by the hon. gentleman from Ottawa, and the two hon. gentlemen who succeeded him (Hon. Mr. Pelletier and Hon. Mr. Miller), I find that I am placed in a somewhat awkward position; but I do not see any sufficient reason why I should recede from the ground which I have taken. If the object of this committee was to introduce a system of divorce which had not previously existed, then I should feel that I had no business on the committee. If the object was to make the granting of divorce easier than it is at present, I should feel, belonging to the church I do belong to, that I could not conscientiously serve on the committee; but as I do not understand that the hon. gentleman from Barrie has either of those objects in view, but rather on the whole to render divorce more difficult to obtain than otherwise, I think that I shall be quite justified in serving on the committee. I concur in what the hon. gentleman from Richmond has said as to the appointment of a Standing Committee to nominate committees to try the different divorce cases. The objection which suggests itself to me as to the mode proposed by the hon. gentleman from Barrie, of having one committee to try all divorce cases is that if we followed out that mode of procedure we should have a number of the best minds of the House on this Select Committee for the trial of divorce cases. I should say that in the future we shall average not less than half a dozen divorce cases a Session, and the consequence would be that we should have seven of the best men in the House who would be practically taken away from the other business of the Session.

Hon. Mr. GOWAN—I think not.

Hon. Mr. POWER—I think the trial of those divorces would occupy the time of that Committee probably the whole of the business portion of the Session, and for that reason I doubt the wisdom of a select committee to try all divorce cases. I think it would be wise to consider the suggestion made by the hon. gentleman from Richmond, that is that

a select committee should have the duty of appointing the committees to try the cases, and not the duty of trying them. I quite concur in the feeling expressed by the hon. gentleman from Richmond that a party to a judicial proceeding should not have the nomination of the court that is to try him. I think the court should be selected either as the hon. gentleman suggests, by a committee carefully chosen to do that duty, or that it should be selected by lot much in the way the old election committees in the other House were chosen.

HON. MR. KAULBACH—I have always been opposed to and protested against the present mode of conducting divorce cases. The uncertainty of the procedure in the forms, modes and ordinary safeguards renders the cases generally very unsatisfactory. I may say with my hon. friends, I am very sorry that the hon. gentlemen who have spoken have objected to serving on the committee because they are not in favor of divorce. For my part I am in favor of the scriptural rule that there is only one cause for which divorce should be granted, and opposed to facilitating divorces or enlarging or extending the causes for which divorce should be granted. I think we are indebted to my hon. friend from Barrie for having introduced this question. It takes from me many of the objections which I had to the Parliament of Canada considering those cases, and for favoring a Divorce Court in order to secure correct judgments and decisions. Certainly my hon. friend has given a great deal of thought and consideration to this subject, and from what I see before me the suggested improvements are desirable, whilst there are others that might be added. I may say I have had the pleasure of conferring with my hon. friend in previous sessions as regards the objections I had, not only to our imperfect, haphazardous and unsatisfactory rules of procedure, but to serving on a committee in such cases. It was evident that some of us gentlemen belonging to the legal profession observed and contended for as far as we could certain rules of evidence and of procedure and order, which to many who were not of the same mind were not considered of sufficient importance to be guided by, and it opened the way to laxity in the trial of those cases, which did not please the sensitive feelings of those who desired everything to be done in conformity with rules of law and order, with a view to a correct judgment and decision in the cases, and there was a large amount of uncertainty in the form of some judgments which were given. There were many cases in which, I know myself, the decisions were not uniform. In some cases we have relieved the woman, the petitioner, from a marriage and have not put in a clause that she could marry again, or that she should possess the same rights as if the first marriage were not solemnized. Then in many cases the question would arise as to whether the respondent should be allowed to marry again. I have always been in favor of both parties to a divorce being allowed to marry again, in the interests of good morals, after divorce was granted. Then with regard to the parties being allowed to marry again, some of the bills provided that they could marry other persons, but there was nothing to permit them marrying each other again. There was a great deal of uncertainty as regards many of the bills which was granted by this House. The procedure in those cases was certainly always uncertain and imperfect and hazardous, and I may say that the selecting of a select standing committee for this purpose is what I have always contended for. To me it was most unsatisfactory, and affected my sensibilities to find that the promoter of the bill, a person evidently in favor of the divorce which he was promoting had the power to select his own committee, and then to sit on that committee. It was to me unsatisfactory from the beginning, and always prejudiced my mind greatly as regards the finding. I have always, during the years I have been in the House, entertained the same objection, and I am glad to see my hon. friend who has brought in this motion, after having a short experience in those matters, has largely come to the same conclusion as myself. When we have a select committee, no doubt we will have uniformity of practice, more expeditious trials, and more correct

judgments on the cases that come before us. My hon. friend spoke of the mode of procuring the evidence. In civil cases we allow *de bene* evidence to be taken, and out of the Province, by commission. It has come before us on many occasions whether we should allow evidence to be taken by a commissioner. That rule is adopted in civil cases, but as divorce is a *quasi* criminal matter, I agree with my hon. friend that the evidence of the witnesses should come before the court direct. There are many things in the paper which my hon. friend has placed before us, for our guidance and to guide himself, in the remarks which he has made, in which I concur. Without making further comments on the case, I feel that we are highly indebted to my hon. friend for the care and attention he has given this matter, and the importance of the suggestions he has laid before us.

HON. MR. ALLAN—Feeling as I do, a very deep interest in the subject which the hon. gentleman from Barrie has so fully and ably brought before this House, I earnestly hope that the suggestion which he has made, and the statements he has laid before this House, may receive the careful and earnest consideration, not only of the House but of the special committee to which he proposes to refer them ; and for that reason I think it will be a matter very greatly to be regretted if some of the most able legal minds in the House should persevere in their determination not to serve upon that committee. I would fain hope that perhaps further consideration might induce them to withdraw that determination. If I understand right, especially what fell from the hon. gentleman from Ottawa, his objection to it is that he is opposed to divorce *in toto*. While my hon. friend feels very strongly upon that point, I do not suppose he anticipates that it is at all likely that the power of granting divorce will ever be taken away from this House ; therefore it seems to me that there would be nothing inconsistent for one holding those views, assisting this committee in lessening the evils that attend granting divorces, in avoiding any unnecessary facilities for granting them, and in guarding the power given to this House as much as possible, so far as in us lies, to protect our own country from the evils which have been so eloquently pictured by the mover of this resolution as existing in other countries and more especially in the neighboring republic. I am very glad that the hon. gentleman from Halifax has consented to serve upon this committee, and I trust my hon. friend from Richmond will yet see that there is nothing inconsistent in his endeavoring to improve the proceedings in this House, so long as we have the procedure here, and so long as we have divorce cases brought up to be disposed of here, to make them as perfect as they can be.

HON. MR. ABBOTT—I am sure that the hon. gentleman from Barrie entirely mistakes the impression made on this House, and undervalues himself if he doubts the high appreciation of the valuable information he has laid before us in the very able argument with which he has sustained his motion. Whatever may be the opinions of hon. members as to the propriety of divorce, there can be no doubt—in fact everyone seems to concur in the idea, that the rules which we have at present are imperfect ; and it would be therefore for the advantage, and tend to the preservation of the dignity of this House to have the rules recast in a form which is intelligible, and which would be properly applicable to the subject for which they are intended. Under the circumstances I think that my hon. friend's motion is one of very great importance, and likely to prove of great advantage. I entirely concur in what has been said by my hon. friend opposite as to the propriety of having men most experienced in the practice of this House and the law of Parliament to assist in the framing of those rules, and I venture to think also that they might join in that work without being met by abstract opinions as to the morality of granting divorces. I trust some of them may yet see their way to reconsider their decision, and that they will allow themselves to be put on this committee in order to obtain the best rules we can have. Those hon. gentlemen know the defects of the present system, and they, as well as any other

gentlemen in the House, are qualified to say what should be the form to be adopted. I do not say anything about the rules themselves which have been laid before us, but they seem to indicate much care in their preparation and a thorough appreciation of what is desired and needed. The Government have no objection to the committee; on the contrary they entirely approve of it.

HON. MR. GOWAN—I think it is due to myself and to the House that I should say a word or two on the subject before any further action is taken. I was exceedingly anxious that the committee should as fully as possibly represent the views of the House and of all parties in the House; and I was especially desirous that gentlemen of large Parliamentary experience such as the hon. gentlemen from Richmond and Quebec and others should be upon the committee. I have studiously considered how far I could go without wounding the religious sensibilities of any man in this House, and all I have done has been in that direction. I thought and felt that while hitherto the Roman Catholics in this House have taken a mere passive position on this question, they might be induced to take another, and one that would not conflict with their settled convictions as to the morality of granting divorce. I knew that gentlemen of the Roman Catholic faith in the United States had taken an earnest part with the divorce league in order to promote sound legislation—in other words to better the procedure in the United States, and I had hoped that the hon. gentlemen members of the Roman Catholic Chnrch in this House would have adopted the same course. I desired to speak with certainty upon the subject, and to have something definite upon the subject before I acted; consequently I asked a clergyman in this country who was acquainted with Mr. Dyke, Secretary of the Reformed League to write to him and ascertain what the position was with regard to the co-operation of Catholic gentlemen in the United States, and I received from my friend the Reverend Mr. Barnes just before I left home this letter:—

CHRIST CHURCH RECTORY,
February 17, 1888.

My Dear Senator Gowan:

I wrote to the Rev. Mr. Dike, the Secretary of the National Divorce Reform League, as you requested, touching the co-operation of Roman Catholics in the movement.

I have received his reply. He says in substance that the influence of the Catholics is excellent; that the editor of the *Catholic Review* cordially approves of the work, and speaks pleasantly of it in his journal; that Professor Robinson, LL.D., of Yale Law School, served two years on the Executive Committee, and the Rev. T. Bodfish, of Boston, Vicar-General, sympathizes and appeared with them before the Massachusetts Legislature. And in addition to this the League has reason to expect still more decided co-operation from the Roman Catholic factor in this reform in the future.

I remain,
Very sincerely yours,
(Sgd.) WILLIAM HENRY BARNES.

This Divorce Reform League in the United States does not attempt, because I suppose they find it would be futile to do so, to secure an enactment that there shall be no divorce in that country, but its scope and operation is simply to secure better administration of the law and to oppose barriers against the vile system that now prevails, and I had hoped that there would be as much liberality amongst gentlemen of the Roman Catholic faith in this country as is to be found in the United States. These are reasons which made me desirous to have the gentlemen who appear unwilling to serve upon the Committee appointed as members of it, and I was particular to have Mr. Scott, Mr. Miller, Mr. Pelletier, Mr. Power and others from their long Parliamentary experience, their position as lawyers, and their great ability, as they would have assisted largely in arriving at a proper solution of the question. The rules which I have laid on the table are prepared more for the purpose of discussion than as presenting completeness in detail. I am not so much in love with my own opinion or my own notions as to suppose that I could produce at once anything more perfect than any hon. gentleman in this House who was conversant with the law; but I thought it necessary to show the *quo modo* as well as the principle I sought to have adopted. Therefore it is due to the

House, and due to the Committee that I should give them the material for discussion. It was in that aspect I presented it, and also as a convenient way of explaining the different points I referred to. My own idea on the subject first was to have a committee appointed something in the way the hon. gentleman from Richmond suggested; but I thought that perhaps it might meet with objections, and the leaning of my mind would be a committee appointed something in that way either by ballot or by some other means securing the best men in the Senate. I am not wedded to this particular mode of appointing a committee. But in adopting it I have the authority of the highest legislative body in England, the House of Commons. That is the practice there, because they still retain to Parliament the right of divorce in India and elsewhere; therefore I adopted that more for the purpose of discussion than as a settled thing. Now, there is a broad question underlying the whole of this, which hon. gentlemen have not referred to, and that is the power of the House to deal with the subject as in making a law. It must never be forgotten that although the proceedings are quasi judicial, the power of Parliament is absolute. We can be bound to no rules except such rules as are our own adoption or as we prescribe ourselves, and we have the power to declare to-morrow that it is inexpedient that divorce should be granted in any case whatever. If it was not late, and the House would bear with me, I would state what are my general views on this subject, and I have special reasons for thinking Parliament is a better tribunal than any court could be.

When expressing an opinion that I did not think it desirable nor in the best interests of the community that Parliament should divest itself of control in divorce by establishing a Divorce Court with power to dispose of such cases, I did not enter upon the considerations which led me to that conclusion.

In respect to the broad view of the question, and to that only I now address myself, I would say I am in the first place unwilling that divorce should be recognized as a general private right, treated as one of the ordinary incidents of marriage, made part of the genera law of Canada. Divorce has been placed under the power of Parliament, and I accept the position—nay more, I think it would be safer and better for the Canadian people if the power of Parliament in this particular was extended to every Province in the Dominion. I cannot accept the view that marriage, a divinely instituted ordinance, is to be treated as a mere contract. If the status of husband and wife is to be altered, let it be done by the highest tribunal in the land, in the unfettered exercise of its paramount power of legislation.

I say paramount power, for there can of necessity be nothing to force or cripple the action of Parliament, or the Constitution would be at an end.

Parliament is not bound to pass a law altering the status of husband and wife, whatever may be the facts. In all and every case it may decline to pass the law acting in its legislative capacity. Indeed it could affirm the indissolubility of marriage under any circumstances. The power of Parliament is boundless, acting within constitutional limits. True, it has not refused to pass special Acts in cases appearing to require relief and where public morals and public safety did not thereby appear to be imperiled. But in all cases it was making a law.

Parliament, I take it, may follow the known ways of proceeding, or it may create new. It is absolutely untramelled in the free exercise of its sovereign power. Any diminution or modification of this power must spring from itself. It may act upon any evidence deemed satisfactory or it may declare that such and such a mode of proof shall be submitted.

In speaking of the Laval case last Session I referred in a general way to this. I said:

"Parliament is no doubt supreme, and in its legitimate sphere of operation is not subject to control or review by any court in or out of the Dominion—the ordinary courts expound the law Parliament makes and enacts. Considerations of moral effect or of expediency may well be allowed to influence in any measure before Parliament, for the supreme law is the welfare of the people—individuals may suffer, individual rights be diminished or abrogated that the greatest possible good may be wrought for the greatest possible number for *salus populi suprema*

est lex. I have and believe the Parliament of Canada will ever be animated by the highest considerations and will act in a wise and temperate spirit—so that its doings will always commend themselves to all temperate and thinking men who never judge rashly and hastily. But should it be made to appear that the well being of society may be compromised by a particular line of action, right and truth and the wellfare of the people cannot be conceded even to amiable sympathies.

I am exceedingly desirous that men of the great ability and the long standing of those gentleman named should be on the committee and if I understood my hon. friend from Richmond he desired that the matter should stand over to enable those hon. gentlemen to confer together and see if they could reconsider their decision not to act upon the Committee.

I am quite willing to accept that view if the House will sanction it. I have no objection that the debates shall be postponed. My simple desire is to make an effort to guard against the danger that I think threatens us and for the purity of the home and family. If hon. gentlemen will assist me in that I shall be very grateful. I know not what the result may be. I believe I have done my duty and if I am right and acting according to the will of God it will be carried sooner or later; if I am not I hope it may be crushed at once. I am in the hands of the House, and if any gentleman desires to move the adjournment of the debate I am satisfied, or if it is desirable to complete the committee by adding more names to it I would leave it to some hon. member to propose, or I will myself propose additional names.

HON. MR. VIDAL—I have no intention or desire to speak on this question: I simply wish to afford an opportunity to carry out the suggestion which has been made, that hon. members shall confer together in order that they may see if they can act on this committee. I move that the debate be adjourned until the day after to-morrow.

HON. MR. SCOTT—My hon. friend from Barrie in the course of his observations was, I think, unfair to myself and to those who agree with me on this question, in attributing to us motives of illiberality. His words were that he hoped we would be as liberal as some gentleman on the other side of the line who professes the same creed that I do. When the hon. member proposed the names of myself and others who object to divorce, it did seem inconsistent that, holding the views we do, we should be asked to assist in framing laws for the carrying into practice the granting of divorces. It seemed to my mind, at all events, quite improper that we should act since we are opposed to divorce, and do not recognize the right of any person or body, even the Parliament of Canada, to separate those whom God hath joined together. There is abundant material in this House to frame rules without appealing to those who are opposed *in toto* to the granting of divorces to assist in the work. For myself, I have nothing to reconsider: I cannot undertake assist in framing rules for the carrying into operation of a doctrine that I wholly disapprove of. To my mind it is absurd on the face of it.

The motion was agreed to.

ST. VINCENT DE PAUL PENITENTIARY.

ORDER POSTPONED.

The Order of the day having been called

That the HON. MR. Bellerose will draw the attention of the hon. members of the Senate to the blue-book, intituled: "Supplementary Report on Penitentiary for the year ending the 30th, June 1886," with reference to the troubles at the Penitentiary of St. Vincent de Paul and the various statements and accusations made against him in that book, certain of which are breaches of the privileges of Parliament.

HON. MR. BELLEROSE said—I would request permission to let this motion stand until to-morrow, then to be the first order of the day.

HON. MR. MILLER—I should like to call attention to the fact that this notice is something unusual in the proceedings of this House — in fact, is irregular. I believe an understanding was arrived at in my absence yesterday that the hon. gentleman should have the privilege of discussing the notice on the

paper in its present form, but I think it is not right that I should allow a false precedent to be established without objection or comment. This notice simply informs the House that the hon. member will call attention to a certain subject. I have never known such a notice to be placed on our paper before. In all such cases the notice has been accompanied by a question. That has been the practice in the House of Lords, and was introduced into the Senate here by my hon. friend from Saugeen division (Sir David Macpherson) some years ago. I do not wish to raise any objection to my hon. friend proceeding with the discussion of the subject on the papér, as I am informed it was understood yesterday, in my absence, that he should have that liberty. There is, however, another objection to this notice, which is that it contains an opinion, and as the notice must be looked upon in the nature of a question, it is not in order that it should contain an inference or opinion. I merely make these remarks in order that the notice may not be regarded as a precedent hereafter.

HON. MR. BELLEROSE—I am not quite sure whether the notice is out of order, but if it is it can be changed by adding a question to it I propose to strike out the words expressive of an opinion, and to add a question—what do the Government propose to do in the matter ?

HON. MR. DICKEY—As I have been referred to in this matter I may be allowed to say that my hon. friend from Richmond is under a misapprehension in supposing that there was any understanding that the hon. member from Delanaudiere should have an opportunity to discuss this matter. The only understanding that I know of was suggested by myself. My hon. friend said that he did not wish to break any rule of the House, but as he had been attacked in the English language and was not familiar with it he wished to have the opportunity of reading his reply on the subject in English. He asked for an expression of opinion, and I immediately rose and stated that as the matter to which he referred was purely personal to himself and he wished to make an explanation I thought the indulgence of the House would be extended to him and that they would not insist on enforcing the rule that he should not read from a written document. I had no reference whatever to the language of this motion, my attention not having been called to it. Since then my attention has been directed to it and I quite concur in the remarks of my hon. friend from Richmond. He has not only discharged a duty to the House, but he has acted a kind part towards the hon. member who has the motion in charge in calling his attention to the irregularity. It is not desirable that any of our rules should be infringed, and I apprehend that this motion is open to both objections which have been taken to it, first that it is not in accordance with the parliamentary practice which has only recently been extended to allow a debate in calling attention to a subject unless it is concluded with a question, and secondly because it states distinctly that there has been a breach of the privileges of Parliament. I do not think we will be prepared to put such resolution on our record until we satisfy ourselves by proof that there has been such a breach. It is assuming a thing before it is proved, and I think under the circumstances the hon. member had better make his motion in the form of a question, and omit the words expressing an opinion, and in that way his motion will come with a better grace from him and he will have a better chance of getting a hearing.

HON. MR. MILLER — There is another matter connected with this subject which is worthy the attention of the House: the practice of the House of Lords, as I have previously stated, which has been recently adopted in this House, is for a member to give notice that he will call attention to a certain subject and then ask a question of the Government. The irregularity has prevailed on such notices in this House of adjourning the debate, which clearly should not be done, because there can be no adjourned debate where there is not a motion before the House, and such a question is not a motion. I would point out to the

leader of the House the service that he would render if when similar questions are brought up which are likely to involve lengthened debate he would see that the rule is enforced. Any subject which is calculated to create a discussion can be easily brought before the House in a regular way by a motion, but it is altogether without precedent in English parliamentary practice, and it is condemned by our own authority, Bourinot, to permit adjourned discussions to arise on motions of this kind. It is of course quite open to any member, as well as the leader of the House, to prevent an adjournment of such a debate, but it would, perhaps be considered less invidious in the leader of the House if he would assume that duty.

HON. MR. BELLEROSE — There were two understandings yesterday. I stated that my intention was to speak on the Address because of the great scope and latitude which it gave in addressing the House, but I was prepared to give way and let the Address pass at once if I should be allowed on the notice I had given the same freedom of discussion that would have been permitted in the debate on the Address. That was the first understanding. Then I said that having been attacked in a book published in English, it was only right that I should answer in English, and that as my position was a difficult one I had prepared my answer in writing and with the permission of the House would read it. That permission was granted. I thank the hon. gentleman from Richmond for having directed my attention to the objectionable features of my motion today, because it gives me an opportunity to remove them. He is so well posted on these subjects that I have no doubt he is right, but after the understanding that has been arrived at I presume there will be no objection to my proceeding with this matter to-morrow. As to the adjournment of a debate of this kind, I think it is implied in the permission given yesterday that it may be adjourned, because I had in view the possibility of having to ask for an adjournment rather than protract a debate after six o'clock. I knew that on a motion of this kind I might be stopped, and if I were to begin now I should be obliged to ask for an adjournment as it is impossible that I could make my defence in ten minutes. I wish to let the motion stand until to-morrow provided I am given the same permission then : otherwise I should have to wait until there was a motion for adjournment and then of course I could bring up any subject at pleasure. I would not like to be forced to do so, since everything that I desire has been arranged by the House. I want to have the same privilege in speaking on this subject now that I would have had if I had discussed it in the debate on the Address.

HON. MR. POWER—I do not understand the hon. member from Richmond to wish to shut off my hon. friend, but to object to the general principle of adjourning debates on questions brought up this way. On that point I hope the hon. leader of the House will take time for consideration before delivering an opinion, because when his friends sat on this side of the House it was customary on motions of this kind to have debates which ran over many days. The hon. gentleman from Saugeen Division, on two occasions, I think, originated debates which ran over several days on questions of this kind, and as the Senate is not in the habit, as a rule, of talking too much, I doubt the wisdom of curtailing their liberties in this direction.

HON. MR. ABBOTT—I am much obliged to my hon. friend opposite for making the suggestion, and I shall look into it, and if the time comes to apply the rule as he states it, we shall be in a position to do so. If we have been wrong in the past, as the hon. member from Halifax says we have been, we should correct our mistake.

The order of the day was discharged and made the first order for to-morrow.

A CORRECTION.

HON. MR. MILLER—Perhaps this House will allow me to correct a newspaper misstatement of a personal nature, as it is the first time I have ever asked a similar permission, and if it were not that

we have plenty of leisure on our hands at present, I would not ask such permission now. I find it stated in a paper published in the City of Quebec, *L'Electeur*, that I am to lead the Conservative opposition to the Fisheries Treaty in the Senate. As I come from the centre of the great fishing industry in Eastern Nova Scotia, and ought to understand something about that industry, I do not wish to be misrepresented regarding it. My views in relation to the Treaty recently signed at Washington are correctly expressed in the paragraph touching that subject contained in the Address in reply to the Speech from the Throne. I believe that our Commissioners did the best that was possible under very unfavourable circumstances, and instead of offering any opposition to the ratification of the Treaty, when it comes before the Senate, I shall give it my earnest support, and I believe I will have no difficulty in finding conclusive arguments to justify the course I intend to adopt.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Wednesday, February 29th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

PROPOSED ADJOURNMENT.

NOTICE OF MOTION.

HON. MR. OGILVIE gave notice that he would on Friday move that when the House adjourns on Friday, the 2nd of March, it stand adjourned till the 20th March at 8.30 p. m. He said—My reason for giving this notice is that there is very little for us to do at present. It is not usual to have much buisness before us in the early part of the session, and by this adjournment we lose only ten sitting days. It would give hon. gentlemen who reside at a distance an opportunity to go home and to return on the 20th.

HER MAJESTY'S JUBILEE.

HON. MR. ABBOTT submitted a copy of a despatch from the Right Hon. Sir Henry Holland, Secretary of State for the Colonies, conveying the thanks of Her Majesty for the Joint Address of the Senate and House of Commons of Canada, offering their sincere congratulations on the completion of the 50th year of her reign.

HON. MR. MILLER—This is the second time this session that information has been laid on the Table of the other House the day before presenting it here. I learned from the papers yesterday that this despatch from the Colonial Office had been received and presented in the House of Commons.

ST. VINCENT DE PAUL PENITENTIARY.

INQUIRY.

HON. MR. BELLEROSE rose to call

"The attention of the Honorable Members of the Senate to the Blue-Book, intituled: "Supplementary Report on Penitentiaries for the year ending the 30th June, 1886," with reference to the troubles at the Penitentiary of St. Vincent de Paul and the various statements and accusations made against him in that book, certain of which are breaches of the privileges of Parliament"

He said: Having prepared my answer to this book, I will now with your permission, hon. gentlemen, read this written answer to the written attacks made upon me in the book referred to in the notice.

PRELIMINARY REMARKS.

I regret that I feel bound to again refer to this question of the troubles in our Provincial Penitentiary (Quebec).

No doubt, hon. gentlemen are annoyed at the frequent references which are made to this penal institution, and were it not for the great courtesy that hon. members are in the habit of showing their colleagues, even if it happens that they become tedious, I would have hesitated to bring this matter again before the Senate, though I must say the circumstances in which I have been placed by the Govern-

ment and by an employé of theirs, forced me to take this step, and show the other side of the case. To this day I have said the least I could, so that no one, not even guilty parties, should suffer from statements of facts with which I am acquainted, and which, if known, would compromise, before the proper time, those who were their authors. Session after session I raised my voice and called the attention of this Parliament to the necessity of having a most searching enquiry into the charges made inside as well as outside Parliament against officials whose position required that they should be blameless. I have usually spoken in a general way, so that no man, even of those who were accused, should suffer unless an enquiry left no doubt as to the guilty party. What have been the consequences? I have been calumniated —parties who knew that I was alluding to them, set to work in the dark to create unjustly against me a sense of hostility and render me odious to the Government and particularly excite the animosity of the Minister of Justice, One, protected by the departmental secrecy, used his advantage against me, by making all kinds of false assertions and uttering the vilest calumnies, thinking at the same time they would never reach my ears. His libel assumed the following form :—

That I acted through vengeance—that I wished the penitentiary to become my political engine, working for my own interest. Not further back than yesterday, the 27th inst., Government organs reiterated this assertion—that I meddled too much with this institution—that I had a very bad character—that there was no manliness in me, etc., etc.

This individual went so far in his determination to injure me and cast discredit on my statements, so that my efforts to have a full investigation should not be favorably entertained, that he even made use of private conversation which we had together at the time of our intimacy. A case in point is found at page 156 of the Blue Book, with which I propose to deal to-day. It is in the following words :

"Mr. Bellerose may have assisted in creating this false impression on the Warden's mind, according to his own statement, made to me in my office, here, last April, &c., &c."

Hon. gentlemen, you need not be surprized at such ungentlemanly conduct on the part of the Inspector, however incredible it may be. Inspector Moylan did more than that. However audacious he may be, I defy him to deny that in violation of his pledge that he would never make use of a confidential letter written by an officer under his control, to a member of the Government, the contents of which he was made aware of accidentally. He did make use of the letter, even menaced this official because he asked for a certificate of good conduct, until the certificate was given. I hold the document I am referring to in my hands.

I am not at all sorry that the Inspector made use of our private conversations, and that he has broken the seal which has prevented me to this day from using certain documents which I have in my hands, and certain conversations which I considered I could not repeat without breaking the seal of our intimacy. Ever since he has thought fit to break the tacit contract which always exists between gentlemen who are intimate friends, I did not use the right which his violation of the secrecy gave me, but waited, in hope that such a war against me would cease. It did not, but on the contrary it has passed all limits in the blue book I have already referred to, and even in his annual report for 1886-87, which was published and distributed some few weeks ago, he renews his attack upon me by referring again to false assertions of his which are found in the blue book that I have already alluded to. I am therefore put on self defense and so forced to use all honest and legitimate means to state the facts as they stand. To do this I will use only official documents which I may know of, as far as I can possibly do so, but if it happens that I need to make use of private documents which I may have received from the Inspector, to make up my case, then I intend exercising the privilege that his conduct has given me of using private conversation that we had together, and private documents in his own handwriting.

Such were the means employed against me, the motives attributed to me, and the charges made against me by my adversaries, with the hope that

this would create bad feeling towards me and induce the Government to refuse the granting of a serious investigation. To all their charges I remained perfectly silent, but still pleaded for an investigation. My prayer, however, was totally ignored by the Government. In March, 1886, I expressed fears that something wrong might occur in the prison and that the Government would regret such a dereliction of duty on their part. A few weeks later, on the 24th April a revolt took place—one convict was shot dead, the warden was mortally wounded, other officers and three or four other convicts were wounded; and two of the wounded officers have since had to be pensioned.

Then, and not until then, the Government became alive to the situation of the prison. They were now quite convinced that a most thorough enquiry must be made. On the 28th April, that is to say four days after the revolt, I gave notice in the Senate that I would on a future day make application to the Government for a minute examination to be made into the causes, remote and proximate, of the revolt and to redress the grievances from which the prison was suffering. The Inspector having heard of my notice thought he would try to prevent such an investigation, which must cover the whole ground of his action, and which he felt must endanger him. He wrote, on the 3rd of May, from the Penitentiary of St. Vincent where he had gone on the 30th April, to the Deputy Minister of Justice, making the following charges against me :—(See page 319 of the supplementary report on Penitentiaries for 1886.)

"On the evening of the revolt and the following Easter Sunday evening, Mr. Bellerose, as I am informed by the Deputy Warden, Chief Keeper, the Surgeon, and others acted within the prison walls in the most outrageous manner, denouncing in violent language the Government, the Minister of Justice, and my humble self, in the hearing of the convicts and of several strangers from Montreal. I told the acting warden he should have ordered him out of the prison and that if he did not go at his bidding, he ought to have employed the force neeessary to expel him. Were an enquiry made to-morrow and that man summoned to give evidence, he would not give any of his own knowledge worth a pinch of snuff. It is the same with his lieutenant, the foreman of the Coroner's Jury, and yet these are the men, who insist upon the Government spending thousands of dollars on another commission."

At page 318 the Inspector also states :

"The Acting Warden and Chief Keeper reported to me that on the occasion mentioned this person in the hearing of Mr. W. Clendenning, Mr. Harper of the Montreal *Witness*, Messrs. H. Bergeron, M.P. and E. Glonbensky, of themselves and of some of the coviets," made use of insulting language towards the Honorable Minister of Justice and the Inspector, Mr. Moylan, using the words rascal, pigs, saying the cause of the revolt was due to them and the Government," &c.

Again in his last annual report (1886-87), the Inspector alludes to this outrageous calumny, in the following words (page 28):

"The mischievous interference of meddling outsiders in the affairs of the Penitentiary—which caused so much disorder and led to no end of dissension and disorganization among the officers and of want of confidence in the administration—is no longer allowed. The authorities of the prison have received instruction to see that such characters conduct themselves with propriety, when admitted as visitors, within the walls, and expel them should they misbehave."

Were I forced to qualify the statement of the Inspector, contained in the last but one sentence of the first quotation, I would have to call it a lie deliberately uttered, since this man knew that I could give evidence of my own knowledge. Had he not himself some time before put questions to me, and had I not answered upon oath that a conspiracy existed against the Warden, and that I had written to him (the Warden) to be on his guard, that I knew of a party in Ottawa who was working in the dark to injure him? What effect had these words on the Inspector? It shut his mouth, and he dare not go further. Was it not his duty to ask who the party was, and what ground I had to make such a serious charge? Surely it was. But he did not do it, and yet he dishonestly states that "should an inquiry be made, "I could not give evidence of my own "knowledge." Then, if you ask, hon. gentlemen, Why such a lie? my answer comes quite naturally, it is, as every other calumny made against me was, to excite the feelings of his chiefs, the Minister and his deputy, and induce them to re-

fuse an investigation. But his letter was useless, or it came too late. The Government pledged themselves on the 5th of May to make a serious and minute enquiry into the circumstances of the revolt and into all the trouble which had happened there for the last four years. (*See Senate Debates.*)

The Inspector, having so far failed, made increased efforts to convince his chief, the Minister of Justice, that I was a very bad man, a mean man, a bad character and consequently that my prayer for an investigation into the causes of the troubles in that prison, should not be favorably entertained. These new efforts of the Inspector were a success, indeed a greater one than the Inspector had anticipated, and certainly greater than he wished it to be. The hon. minister becoming convinced by all the statements of the Inspector that I was a contemptible man, thought that it was best to allow the enquiry, to establish my guilt and ruin my reputation. I find in the Hansard of the Commons, that having been questioned as to this painful event, the revolt, and as to the course he would follow in the matter, the Minister had forgotten himself to the extent of charging me behind my back, with having been the cause of the revolt adding that under such circumstances a *minute* and *complete* investigation was an absolute necessity and that he felt it his duty to see that it should take place. This had the effect of a bomb in the Inspector's camp. What will they do? After due consultation it was decided that new efforts should be made to change the issue and prevent the enquiry. The Inspector set to work, and helped as he was, succeeded in convincing the Minister, his chief, that an inquiry would be a mistake, that it would be wasting the people's money for no good purpose. But the Minister had solemnly pledged his honor to both Houses of Parliament that a minute and complete investigation, which would show what was at the bottom of the difficulties this prison had laboured under, would be made.

He found himself in a blind-alley from which it seemed to him difficult to escape. What will he do? He had heard it stated that the Secretary of State was a master intriguer. He went to him and explained the difficulty of his position. He reminded the Secretary of State that a minute investigation would most probably make it impossible for him to appoint his *protege* Warden of the Penitentiary; that during the trial of those convicts who had been most conspicuous in the revolt, it had become apparent that the conduct of some of the superior officers, amongst whom was his *protege*, at the time of the revolt and even before, had not been what it should have been. The Minister of Justice then read some extracts from Montreal newspapers which had given a full account of the proceedings in such trials before the Court of Queen's Bench. "Let us take some time and think over what is best for us to do under the circumstances," was the answer of the Secretary of State. A few days after this gentleman came to the Minister of Justice and said:—"Hypocrisy and intrigue will overcome the difficulty. You promised a solemn investigation at the request of Senator Bellerose. Very well, then he is the party whom you must try to deceive. Never mind your friends in both Houses—for good or for bad they will stand if the Government requires it. This is the way you will do it," continued the Secretary of State; "I will help you. We will leave Ottawa together for Montreal; the next day we will drive to the Penitentiary (a twelve miles' drive). On our arrival at the prison you will write a note to the tenacious Senator, inviting him to meet you there. We both will be accompanied by shorthand writers so that Mr. Bellerose may be better deceived, and we will feign to make the investigation promised. Bellerose will certainly be caught, and we will whitewash any one of those whom a minute investigation would blacken." Both Ministers having agreed to adopt the course suggested, they left Ottawa on the 9th of December, 1886. On the 10th the Minister of Justice sent the following telegram:—

MONTREAL, December 10th, 1886.

To the Hon. Senator Bellerose, St. Vincent de Paul:

Secretary of State and I visit Penitentiary to-day. Will send letter to your residence as to object of visit. Please rush.

(Signed) J. S. D. THOMPSON.

This dispatch was brought to my house at eleven o'clock a. m., by the operator himself. At about fifteen minutes after noon an officer of the Department of Justice, who accompanied the Minister of Justice, came to my house and presented me with the following letter:—

MONTREAL, December 10th, 1886.

DEAR SIR,—I intend to-day to make a visit accompanied by the Secretary of State, to the Penitentiary of St. Vincent de Paul, and intend to make such enquiry as may give me information as to the efficiency of the staff and the state of discipline in the institution. I thought it proper to give you this intimation as I inferred from a conversation which I had with you some time ago, that you might possibly have some views to present, during the visit, on the subject which I have mentioned. We shall probably be at the penitentiary the greater part of the day, and if necessary, to-morrow.

I am, yours truly,

J. S. D. THOMPSON.

HON. SENATOR BELLEROSE.

To this note I gave the following answer:

Translation.

"ST. VINCENT DE PAUL, Dec. 10th, 1886

"The HON. MR. THOMPSON,

SIR,—Your telegraphic despatch received at eleven o'clock a. m., and your note at 12.15 p.m. You say: "*I inferred from a conversation which I had with you some time ago, that you might possibly have some views to present during the visit on the subject which I have mentioned.*" I regret to say that I fail to recollect to have had with you any conversation since the end of last April, or the beginning of last May. I then said to you the same thing which I spoke from my seat in the Senate. You then answered that you would have an investigation made into all the difficulties of the penitentiary and even see into the preceding enquiries. The Government made the same promise in the Senate on the 5th May last. Whenever you are ready for such an investigation I will be ready to give a list of parties whom I wish to be called and give evidence and will myself be ready to state what I know.

I am,

(Signed) JOS. H. BELLEROSE.

I myself went over to the Penitentiary and handed this letter to Mr. Thompson. He asked me to step into the office, and having called in Deputy Warden Ouimet, who then acted as Warden *pro tem*, he asked me what were the charges I had to make. I answered that the proceedings he was about to begin were not those promised by the Government or by himself. It was three o'clock. It was absurd to think of making such an investigation in one day; it would take weeks. After a few minutes of silence the Minister said, "All right, we will do the thing as promised. Lay your charges." "I charge," said I, "the Inspector and the late Chaplain with being responsible for the difficulties this prison has been laboring under. I may say I act as the representative of those who have laid such charges, either in the press or in public documents." The Minister of Justice, interrupting me, said: "Have you anything to say against any of the officers of the prison?" "Yes," was my reply, "but I will not be caught. Their names I will furnish when giving my evidence against those I have named, and who are considered the most guilty parties." "Very well," said Mr. Thompson, "give us a list of such persons as are to be summoned." "I will give a full list in the morning, and for this day will give sufficient to keep us at work for more than the remainder of the week. Please," said I, "summon Mr. Warden Laviolette, Messrs. J. E. Durocher, A. Catellier, H. Demers, and G. Bertrand."

The Minister—Please give your evidence.

Mr. Bellerose—I am ready the moment I have been sworn.

The Minister—This is not necessary.

Mr. Bellerose—Then your intention is to take evidence without oath?

The Minister—Yes, but I will give your statements the same attention I would give them if you had been sworn.

Mr. Bellerose—This is nothing but a farce to deceive the public and whiten what is black. Moreover, public documents show that some of the officers of this prison have before this sworn what was not true, while some others have sworn one day one way and in another way some few days after. How will it be when evidence will be taken without the oath? I cannot be a party to such a bad work.

The Minister—You may withdraw.

I withdrew. The Minister of Justice and Mr. Chapleau were accompanied by the Deputy Minister of Justice. Another officer of the Department of Justice, Mr.

Leslie, was there as shorthand writer, as also Mr. Bourbonnais, M. P. P., the two Ministers thinking, it is said, they might by so doing influence him sufficiently to leave the ranks of the Conservative Nationalists and go back to their own party. But Mr. Bourbonnais was too much of a gentleman to do such a thing. He did his work, took the money and remained a true Conservative.

The two Ministers continued the farce for a few hours and left the next day, the 11th. No doubt those hon. gentlemen would have no objection to put before Parliament the evidence they then took of the officers of the prison—but I defy them both to show a sworn declaration of those officers certifying that every one of their statements on that day was true. Some of them have already acknowledged that having to speak in presence of the officer who for the time being was at the head of the institution, they had to take care. His love was better than his hatred and they were not under oath. The Inspector himself said of the then head man of the prison—

"The Deputy Warden (Ouimet) is rough and abrupt in his manners towards the officers and convicts."

No doubt those two Ministers would have no objection to lay before Parliament such evidence, taken in a few hours' time and in the way I have just mentioned. But I defy those two gentlemen to submit any evidence which they may have taken from outsiders. I defy them to furnish the evidence they surely must have taken of those witnesses whose names I gave them—Messrs. Laviolette, Durocher, Catellier, Demers, Bertrand, &c. I defy them to show the evidence of a single witness having any connexion with the grave charge I then renewed before them, in the name of those who had already made them in the press and elsewhere. I defy them to put before Parliament the evidence given by the then sick Warden, Mr. G. Laviolette, if they went to him.

This is the way the solemn promise of a minute and serious investigation into all the troubles of this Penitentiary was redeemed. This is the way the enquiry which the Minister of Justice acknowledged he was in duty bound to order, was made when he found it might work against the Government and injure some of their supporters.

So far, at all events, the Inspector had succeeded in escaping the danger with which he was menaced. He could then attempt some other means to remove all other dangers which might arise. This he did, as I will show before I resume my seat.

I cannot leave this subject without giving a most emphatic denial to the three statements which the Inspector has made against me in his letters that I read a few minutes ago, as to my conduct on the day of the revolt and on the next day, inside the walls of the prison.

1st. I emphatically deny the statement which accuses me of having been excited on the day of the revolt. I was at home when the revolt began, when an officer of the prison came to me in haste praying that I should go to the penitentiary, that the warden was in the hands of the convicts and most probably dead; that *no one seemed to take command* and that no doubt the prisoners would succeed in their determination to recover their liberty. Though undressed, I lost no time in arriving at the prison, where the gloomiest spectacle I ever met with offered itself to me. The warden considered murdered, *a certain number of officers quietly sitting in the keeper's hall awating orders*, convicts parading in the yard where they were masters, and some of the officers completely under their control, etc., etc. But this is not the time to give a detailed statement of the revolt and of the conduct of certain officers of the institution, it would be useless to do this to-day; I will wait for a better time to do so.

Later on in the same evening, I went to the infirmary, where I found the wounded warden, and remained there until late in the evening, after which I returned to my home. I was not during any part of this occasion more excited than is usual with me when I have a case at heart. But I did say, as I say now, and as I have said a hundred times before, that the Inspector primarily, and then the Government, were responsible for the revolt as well as for the troubles which had been agitating this institution for years past.

2nd. Referring now to the second charge of the Inspector as to the next day after the revolt, I also positively deny having used any such expressions as "rascal," "pig," &c.; but I frankly admit that I did, in an excited manner, contradict the false statements made by Deputy Warden Ouimet and Chief Keeper McCarthy to Messrs. Harper, of the Montreal *Witness*, and other gentlemen of that city. This is the way in which it all occurred: I had no intention of entering the Penitentiary that day, but passing in the street opposite to the institution, at about five o'clock in the afternoon, I met Mr. Bergeron, M. P., and Mr. E. Globensky. Mr. Bergeron asked me to accompany them to the scene of the revolt. I accepted the invitation, and I accompanied them through the penitentiary yard. Having reached the spot where the convicts had made the greatest efforts to secure their liberty, we found the gentlemen I have just mentioned speaking of the sad occurrence of the previous day. Both Messrs. Ouimet and McCarthy were attributing the revolt to the lenient administration of the Warden, who at the time was considered by the doctors attending him to be on his deathbed. Thinking of the indignity of such language from the mouths of those very men, who were charged with having been continually at war with the Warden for months past, and as it occurred to me the sad effect it would have on the mortally wounded Warden if any comments of the kind should appear next day in the newspapers, I raised my voice and said, that the best evidence could be produced to prove that all these troubles were due to the two parties, that of the Warden and that of the Deputy-Warden, which existed in the prison; and that the Inspector and Government were responsible for all such troubles, since they had been informed of the true state of things, and had been asked to grant a thorough investigation. I added that the enquiry of 1884 had established that such was the state of things in the prison. Is it at all extraordinary that I volunteered such an expression of opinion under the circumstances referred to? Had I not before said so in this House on the fourth day of March previous (1886)? Have I not since repeatedly charged the Government with this dereliction of duty and of having been, thereby, the cause of the revolt? I even wrote something similar in the press over my own signature, and did not hesitate to write in my letter of the 17th September, 1886, to the Minister of Justice:—

"Had Sir Alexander Campbell done as his predecessor (the Hon. James Macdonald) did in 1879, and had appointed a commission of disinterested and competent persons in every respect to seek out the cause of the troubles, peace and harmony would long since have been established in the institution, and we would not have had to deplore the unfortunate event of the 24th April last. Had the same prudence which is used in private matters been used in this one, the result would have been very different."

Thus, hon. gentlemen, you see that it was quite natural that I felt bound to affirm under the circumstances referred to by the Inspector, the facts as I knew they stood. But what seems most extraordinary is to find to-day this individual (the Inspector) giving me, involuntarily, I am sure, credit for the veracity of this statement of mine. In his last annual report, 1886-'87, he affirms that (page xxvii) at the Penitentiary of St. Vincent de Paul, under the regime, of the new Warden (Mr. Ouimet):—

"The discipline, is much improved; the prisoners obey the rules punctually and are, in general, well behaved.

"The officers, too, do their duty with fidelity and good will. There are no factious parties, no dissensions, but all act together in good accord. The staff is reported to be individually efficient."

If the disappearance of the head man of one of the two parties which existed in the prison has produced so much good, I was then right the three or four years past when I prayed and solicited the Government to remove the evil by dismissing one of the chiefs of the two parties; and they were wrong, with their Inspector, when they not only neglected, but even refused to do so, until convicts did it by rising up in arms and breaking one of the parties. But this process of restoring peace has been an enterprise too costly both in money expended and lives lost or endangered, to allow me to join with the Government and the Inspector in their congratulations as to the good results. Then the Inspec-

tor refers to the efficiency of the present staff. Hon. gentlemen, the staff is about the same as it was under Mr. Laviolette's administration with the exception of six new officers who have filled up the vacancies created by six of the best officers of the prison leaving, three after having handed over their resignation rather than submit to the ruling of men whom the Government had promoted in spite of their conduct towards the late Warden—and the three others on dismissal for their too great devotion to the late Warden, as I will have occasion to show before I am done. I defy both the Minister and the Inspector to deny that those officers were amongst the best of the prison. The names of the officers who resigned are Auguste Leduc, J. B. Gauthier and A. Dequoy, and Durocher, Desormeau and Lefaivre are the names of those dismissed. No doubt it was a great crime for Lefaivre to be a relation of the late Warden Laviolette.

I will now refer to this other charge made by the Inspector in his letter which I read a few minutes ago, that "I used insulting language towards the Minister of Justice, and the Inspector, using the words *rascal, pig.*". I not only deny emphatically this vile and mean calumny, but I will even bring the evidence of those very gentlemen whom he (the Inspector) and the officer acting under his advice (Mr. Ouimet) assert were present. Why, the report of the Chief Keeper himself of the prison gives the lie to the assertions of both the Inspector and the Deputy Warden (Mr. Ouimet). Let me read this report of the Chief Keeper, it is found at page 316 of the blue book and reads thus :—

ST. VINCENT DE PAUL PENITENTIARY,
29th April, 1886.

"Sir—Regarding the conduct and expressions made use of by Senator Bellerose, on Sunday last, in the prison yard, and which you have ordered me to report in writing, I beg leave to state that he appeared very excited and shouted in a loud voice, saying, he knew it would come to this, that he told the Minister and the Government months ago that there were two parties here, that Moylan knew of it also, that one or the other ought to be dismissed, that he told the Government so, but they were too corrupt to do anything good; now we had another Riel case, nothing done. Riel and this convict shot, he would expose it at Ottawa and everywhere, and continued speaking for some time. There were several gentlemen present who heard him railing in this manner, and his voice and words could be heard by many of the convicts.

Respectfully submitted,
THOS. MCCARTHY,
Chief Keeper."

Not a word in this about my using such impolite expressions. The Blue-Book containing the charge was distributed on the 3rd June 1887. I immediately wrote to those gentlemen mentioned as being present in or about in the following words ;

OTTAWA, 3rd June, 1887.

Dr. Pominville.

Sir—Mr. Moylan assures me that you informed him that on the day of the revolt and also on the next day, Sunday, I had made use of insulting language within the walls of the Penitentiary, denouncing in violent terms the Government, the Minister of Justice and himself (Moylan) please let me know whether this is true or whether it is false.

Yours &c.,
JOS. H. BELLEROSE.

Here is his answer :

ST. VINCENT DE PAUL, 5th June, 1887.

To the Hon. J. H. Bellerose.

"Sir—In answer to your note of the 3rd inst., I have to inform you that I am quite surprised that Mr. Moylan can have told you so many things. Here are the facts: This gentleman began stating that he had been told that you were much exasperated at the Government's conduct. I answered, 'Yes, he (Mr. Bellerose) says the Government are responsible for the revolt, and that he had made them aware of the danger.'

As to having told Mr. Moylan that your conduct inside the walls of the penitentiary had been outrageous on the day of the revolt and on the following Sunday, and that you had made use of any insulting language towards the Government, the Minister of Justice, and himself. I completely deny it.

Truly yours,
J. T. POMINVILLE."

Neither Mr. Harper, nor Mr. Clendenning, nor Mr. Bergeron, nor Mr. Globensky were at the prison on the day of the revolt, but they were within the walls on the next day. I wrote to those gentlemen, asking if they recollected my conduct there.

Mr. Harper replied in the following words :—

"CORNWALL, Ont., June 6th, 1887.

"*Hon. Mr. Bellerose, Ottawa:*

"DEAR SIR,—I recollect the circumstances of the St. Vincent affair, and your attack upon the Government and the Inspector. I recollect also, that you blamed the revolt upon two parties pulling one against the other in the Penitentiary. My impression was that these were officials. With regard to your remarks about Moylan, they were, I think, only incidental, and I am not so clear upon them as upon the rest of your remarks. I do not at this moment recollect that you called him any name, but you applied a few strong words to the causes of the trouble, and said you had over and over again represented the causes to the proper quarters without any good result. I think it would be better to take the report in the *Witness* as corroborative of what you said at the time. It will contain the gist, shorn of what you said that was fiery—for I must say I was surprised at your heat, and omitted remarks that I considered you would not have used in a more reflective moment. Hoping that matters at St. Vincent have assumed a more peaceful aspect since my enforced visit to its peaceful banks and groves, believe me,

"Yours truly,

"JAMES HARPER."

Having looked into the *Witness*, as indicated by Mr. Harper, I find this scene reported in that newspaper on the 26th April, two days after the revolt, in the following words :

"Yesterday afternoon Coroner Jones was upon the scene * * * There were groups of newspaper reporters, members of Parliament and others and among them Senator Bellerose. All these gentlemen took or gave evidence as to prison discipline and other matters. Mr. Bergeron, M. P. Mr. Globensky, Mr. W. Clendenning and others stood around and talked, but Senator Bellerose was the loudest. Senator Bellerose arrainged in a loud tone of voice, the Government of the day for the whole business.

"'I am not afraid to speak and I say to you if it were not that there are two parties in this place, the affair would not have happened. They had enquiries and enquiries and they were a sham. I told the Government not long ago, that until one of those parties that are pulling against each other are put out, there will be this sort of thing.

"'You need not say no,' he remarked, as one of the officials shook his head; 'you know it is so.'

"This was pretty plain talk in presence of two leading officials of the prison and within earshot of the convicts. Our reporter remarked quietly: 'Do you not think these convicts will hear you, Senator?'

"'I do not care whether they do or not. These men know all about it; they know more than I do. They laugh at these guards. They do not care for them at all.' And so on in the same style."

Then in another column of the same journal I find :—

"It is well known that the Warden, Mr. Laviolette, who now lies at the point of death from wounds at the hands of the convicts, was always at daggers drawn with the other chief officers."

Also—

"It is understood that there is some political root to all this trouble."

Indeed, gentlemen, I was happy that convicts heard me stating that I would do my duty and would work to bring peace between the members of the staff and have things so arranged that such evils as those we had already heard of, as well as those we presently witnessed, should no more happen in the future. It was telling them that their joy would soon have an end. That the convicts knew all the difficulties which existed and the dislike which existed between the first subalterns of the prison and the Warden is, as stated by the reporter above mentioned, well known. Pretty good evidence of convicts having such knowledge was given during the trial of those very men who had risen up in arms against the authorities of the prison. Convict Desrochers being in the witness box is reported to have appealed to the Court in the following words :—

"If the Court will allow me I will accuse that man (pointing to Deputy Warden Ouimet) of being the instigator of the whole revolt."

Viau in his address to the jury, is reported to have said :—

"Every person knows that at St. Vincent de Paul there are two rival factions—Warden Laviolette is one, and Deputy Warden Ouimet is the other."

I was also quite happy to let convicts know that should I succeed every one of the many evils which they knew existed in the prison would be removed. Officers had caused scandals at different times. This would have an end. Let me give you an instance. Please open the blue book at page 165, you will find that the first officer but one of the penitentiary, Deputy Warden Ouimet is charged as follows :—

"Spoke in the hearing of convicts of his military life and experience at Quebec, stating that he and two others had visited a house of questionable repute and left without paying the bill."

While on this question of the scandal given by the Deputy Warden, allow me to call your attention to the punishment which our valuable Inspector recommended should be awarded for such immoral and disgraceful conduct. His recommendation contained in his report, page 166 was, "that this officer be censured", while in the case of an official visitor whom he certified had.

"Denounced, in the hearing of convicts, and in violent language, the Government, the Minister of Justice and his humble self, for having been the causes of the revolt."

He the Inspector informed the Minister in his letter of the 3rd May, 1886, (page 319) that he told Deputy Warden Ouimet that he should have ordered out of the prison this official visitor and that if he did not go at his bidding, he ought to have employed the force necessary to expel him."

Hon. gentlemen, I leave it to you to draw a fair and honest conclusion between the two cases and to appreciate the zeal displayed by our worthy Inspector in both—one of unbecomingness and the other of immorality.

Was it possible for Mr. Laviolette to succeed in his administration with such men around him? Could even the most painstaking chaplains succeed in improving the inmates of such an institution when their guardiaus used such conversations in their presence—and they had at the head of the prison such a man as my quotations show the Inspector has proved himself to be?

I will now continue the reading of the letters I have received, contradicting the statement of the Inspector as to my conduct in the penitentiary yard the next day after the revolt. Mr. Bergeron's letter is as follows:

OTTAWA, June 7th, 1887.

To the Hon. Joseph H. Bellerose, Senator:

MY DEAR SENATOR,—In reply to your letter dated the 3rd inst., I have great pleasure in declaring to you that I have never heard you use the words "cauchon" (pig) or "canaille" as stated in a letter contained in the supplement to the report of the Inspector of Penitentiaries for the year 1885-86.

I have the honor to be,
my dear Senator,
Your most devoted,
J. G. H. BERGERON.

MONTREAL, June 7th, 1887.

The Hon. J. H. Bellerose,

MY DEAR SENATOR,—In answer to yours, I have no recollection that you used such expressions, "pig, rascal," as you are charged with having used at the time of our visit through the yard of the penitentiary of St. Vincent de Paul.

I have the honor to be,
my dear Senator,
Very respectfully,
EDM. GLOBENSKY.

Mr. I. Jones, coroner, answers, on the 30th June, 1887:

"As far as my memory serves me, you were much excited, but I have no recollection of your having used language unbecoming a gentleman."

Such letters of the Inspector to the Minister or his deputy, as the one I am now dealing with, are not generally asked for by members of Parliament, as their existence is not generally known—hence the Inspector thought he could write with impunity. I myself, did not know that I had been so grossly abused by this officer with the approval, it seems, of the Minister of Justice, since the Inspector has continued day after day this very reprehensible work; but, knowing well what the Inspector was capable of, and having before discovered many such unjust and hypocritical acts of his, I was sure that in asking for the publication of the documents, now contained in the supplementary report on penitentiaries—many of which were confidential, others private—I would find good evidence of what he was capable. Hon. gentlemen, this evidence is now before you. What is your opinion of an official of such high standing who could have worked up such mischief? Is he a fit man to be kept as the only channel through which the chief officers of the Department he is in, can be made aware of what is going on in the different institutions, of which he has the superintendence, or of the efficiency of the officials composing the staff of such institutions? Ministers as well as Deputy Ministers have very seldom occasion to visit the penitentiaries and judge for themselves. They have to rely on such an officer as the Inspector. Is this man qualified for such a position? When he could do such wrong in a letter to his chief against a public man and behind his back what

could he not do against an officer under his control, if it happened he had a dislike for him or thought him a nuisance? Who can say, that in every line the Inspector wrote that he did full justice to Warden Laviolette who so often for some five years had been complaining that he was unjustly dealt with by this officer? Why not deal with every one on principles of justice?

At almost every page in the blue-book the reader finds my name coupled with some more or less objectionable acts. Sometimes the Inspector maliciously insinuates that I must have given advice to the party, complaining of his own conduct; at other times, that he has good reasons to believe that I have induced this other party to lay charges against one or the other of the subaltern officers of the Penitentiary.

These shameful insinuations were contained in his letter of the 5th June, 1886, addressed to the Deputy Minister of Justice. There also he asserts, while speaking of the complaints made by Warden Laviolette against his two subaltern officers, whom for reasons he dare not acknowledge, he is charged with having taken under his protection—

"I have ground for beliving that he is acting under advice from Mr. Bellerose."

Now gentlemen, I positively deny, in my place in this House, that I even knew the Warden had decided to lay a single charge against his two subordinates.

As I have already shown, I repeatedly asked for an investigation, but it was only after the revolt that it was promised in both Houses of Parliament. On the other hand, the Inspector did his utmost to prevent such enquiry being made. He resorted to any means that he found convenient to aid him in ruining his adversary—he even used hypocrisy. This I have been made aware of by the very statements of the Deputy Minister of Justice, Mr. Burbidge. If his chief, the Minister of Justice or his Deputy ordered him to proceed to St. Vincent de Paul to investigate a difficulty, he would ask there; that the good Warden of this Penitentiary was too much prejudiced against him; that he liked Mr. Laviolette with all his heart, and would rather have somebody else undertake the investigation. But, being the only Inspector, he knew what the answer of his chief would be, he knew that he would have to go, and that being there he could injure his victims without any fear of censure from his masters in Ottawa. He had prepared for the event he could defy, as he did defy, his victims in the following words:—

"I do not care for any of you; neither do I care about your complaints. I am a match for the whole of you. Neither do I care about your friends, whether they are Members of Parliament or private citizens. Sir John is my friend, and he will stand by me."

I have good evidence of this challenge thrown out by the Inspector. I will read the statements of one of my witnesses, without giving his name—an honorable name too.

"I, A. B., do solemnly declare that Mr. Moylan excitedly and with irritation addressed C. D. in the following manner: that he had no fear whatever of what C. D. might undertake to do against him; that he enjoyed the consideration of Sir John A. Macdonald to such a high degree that he defied the whole of C. D's. friends to try anything they liked against him, and that he could laugh at them; or using words equivalent to those above quoted."

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Act passed in the 37th year of Her Majesty's reign intituled "An Act for the supression of voluntary and extra judicial oaths."

(Sd.) A. B.

Taken and acknowledged before the undersigned this 6th day of January, 1885.

(Sgd.) J. T. POMINVILLE, J. P.

The above charge should be sufficient to explain the obstinate opposition which the Inspector has continuously made to a serious enquiry by a Commission.

Having made those preliminary remarks, I will now enter into the merits of the case I wish to deal with to-day; and which I will divide into three parts.

1st. A history of the troubles the penitentiary has been labouring under from 1881 to 1884, when an enquiry was ordered.

2nd. The investigation of 1884. What it was—the effects it had—what followed.

3rd. My connexion with those troubles, how it came, and lastly my answer to the strong words of the Minister of

Justice against me, uttered in the Commons and to the various attacks upon me contained in this Blue book, and made by Inspector Moylan behind my back.

Fortunately I knew whom I had to deal with, when I had to deal with the Inspector. This knowledge of my old friend whom my refusal to work with, against Warden Laviolette, had made an enemy of mine, led me to the conclusion that he must have worked some mischief in the dark. Under such a conviction I asked by addresses, moved in this hon. House in 1886, for such documents, official as well as private and even confidential, as I knew the existence of. The Government after having hesitated gave them all at last. You have them now before you. Hon. gentlemen I propose to deal with them to-day.

Part I.

HISTORY OF THE TROUBLES.

On the 24th January, 1881, the late Warden Duchesnaux was relieved from his duties, Deputy Warden McKay instructed to act as Warden *pro tem*, and Mr. Telesphore Ouimet, Clerk of Works, to act as Deputy. On the 21st November of this same year (1881), G. Laviolette, Esq., entered into his duties as Warden, Mr. McKay left the institution, and Mr. Ouimet was appointed Deputy, with Mr. McCarthy as Chief Keeper. At this time, the Catholic chaplain of the institution, Father Leclerc, Inspector Moylan and I were on the best terms—I should say, were intimate friends.

At the beginning of Mr. Laviolette's administration the Inspector seemed to be satisfied with the new Warden, but was quite dissatisfied with the appointment of Mr. Telesphore Ouimet to the Deputy Wardenship, two facts which Inspector Moylan has since admitted to be true. The Catholic Chaplain, who I knew did not merely utter his own sentiments, but also those of his very intimate friend, Inspector Moylan, had also good words as to the Warden at the beginning of his administration, but he also was adverse to Mr. Ouimet's promotion. A few months after those officers (Warden and Deputy) had entered upon their duties, a change took place in the minds of both the Inspector and the Chaplain. They became hostile to Mr. Laviolette and friendly to the Deputy Warden. The evidence taken during the investigation of 1884 establishes those facts and even more; it shows that the Chaplain himself admitted in 1883 that Warden Laviolette would be broken down before two years were over. It would be too long to read now such evidence, as I will have occasion before I resume my seat to read certain parts of it. No use then in referring to it twice.

It may be said that such a change in the minds of both Inspector and the Chaplain is difficult to understand unless a cause be assigned for it. The Warden has from the beginning of the troubles assigned the cause and during the enquiry of 1884 he offered evidence in support of this charge but the Commissioners would not allow him to establish the facts. It was, he stated then as he has stated since, an event which took place in the last part of 1882 and which had the effect of creating hostile feelings in the mind of the Inspector against him (Warden Laviolette). Out of sympathy for his friend the Inspector, the Chaplain became also indignant. Before they showed their hostility they thought it better to prepare and induce the Warden to give them certificates to the effect that he had no complaint to lay against them. So they did and succeeded in having the Warden put his signature to two certificates, one to the Chaplain dated 4th October, 1882, and the other dated 20th January, 1883, to the Inspector. Having so caught the Warden they set to work and prepared their annual report for 1881-82. The Chaplain's report is dated December, 1882, while that of the Inspector date 31st January, 1883. Those reports were distributed to members of Parliament in February or March, 1883, during the session, and to the public in the spring and summer of 1883.

During the investigation in 1884 Warden Laviolette tried over and over again to be permitted to prove that those reports had been the cause of the troubles which existed between himself and some of his officers, but the Inspector would never allow the Warden to establish that

the first cause of the breaking down of his administration in the fall of 1883 was the event I have already mentioned, as having taken place at the end of 1882, the effect of which did not become apparent before the last part of 1883 when the annual report of 1881-82 had been read by the staff of the penitentiary and had made them aware of the hostility of both the Inspector and the Chaplain.

Let me remark here that Mr. Baillairgé's duty during this investigation of 1884 seems to have been solely to approve of the Inspector's conduct and help in justifying the course he should follow. The Inspector himself admits the fact at the beginning of his report, page 152.

> At his (Mr. Baillargé's) request I examined the witnesses, on behalf of the Commissioners, and made the rulings respecting evidence to be admitted or disallowed, and only in one trivial instance did we differ, and then only for the moment, as I waived my view in favor of Mr. Baillairgé's, the matter at issue not being material.

I will have occasion to show further on the conduct of the Inspector during this trial and what were his rulings—the whole done with the approval of Mr. Baillairgé who seems to have had no opinion of his own.

During the session of 1883, in February or March, Inspector Moylan came to me in the lobby of this Senate—"Have you read my annual report," said he, meaning the Annual Report on Penitentiaries for 1881-82. "No," said I, "this report has only been distributed this morning." "I am sorry," answered the Inspector, "I should like to have your opinion on it." I replied, "since you are so anxious as to my opinion, I am going home this evening, the Senate taking a few days recess, and I will read the report to-morrow and will let you know my opinion in writing." "Very well," replied Mr. Moylan. The next day I read the report and I immediately wrote to Mr. Moylan my disapproval of his report as to the penitentiary of our Province. The Inspector has my letter, let him show it. This done I immediately went to the Chaplain and told him what had occurred, and that I condemned his also, adding that had he shown me this last report of his, as he had generally shown me his previous reports, before he sent them, I would certainly have saved him a very bad step. Then, recalling to my mind, first, the certificates he and the Inspector had induced the Warden to sign a few months before, and second, the conversations we three had together, I was convinced that they had determined to ruin the Warden, and that trouble would follow. The Inspector, the Chaplain and myself, having for years been intimate, and free in our conversations, I added to define my position towards them and recover my full liberty of action, that if this bad step of theirs should bring trouble in the prison, as it seemed to me it would, I felt I would be bound in honor and in conscience to oppose them, work against them, and stand by the Warden, who, though appointed in preference to the gentleman I had recommended for this important post, had nevertheless a right to my support as long as he did his duty, whatever personal adversaries he might have.

Now, gentlemen, those reports and the events above mentioned did work mischief in the prison. The Warden, as I will have occasion to show in an instant, offered evidence, during the investigation of 1884, to establish this fact, but the commissioners would by no means allow him to do so. The Warden had to submit. He did so, but he entered his protest.

No doubt it was quite natural that the judge charged with the grave offence he had to enquire into, should object to have his guilt proven. It can even be reasonably supposed that when he solicited the favor of being entrusted with the charge of enquiring into the troubles (I will show that he did so), he thought it might help him out of the difficult position he found himself in.

It is admitted that at this time, 1883, Mr. Laviolette had been successful in his administration. The late Warden of the Kingston Penitentiary, Mr. Creighton, having been ordered by the Minister of Justice to visit the prison and report, did so on the 3rd of July, 1883, and reported in the following words :—

> "I visited the various departments of the institution within the walls. I found the cells clean and everything in good order. The discipline of the institution was also

good, and in many respects better than at Kingston."

Why, the Chief Keeper himself, who is one of the officers complained of by the Warden, was forced to admit, during the enquiry of 1884, that,

"Up to the fall of 1883 he was satisfied with the discipline, and that at times it was better than at Kingston, where he had been employed for many years."

The united testimony also of most of the keepers and guards who were brought forward as witnesses during the general enquiry in July, August and September 1884, goes to establish that the institution had never worked so well as since Mr. Laviolette had assumed his functions as Warden up to ten or twelve months before the enquiry had begun. It began in June 1884, so that the evidence taken during this investigation corroborates the statements above mentioned of Messieurs Creighton and McCarthy. It was also established beyond doubt that the discipline of this institution had begun to fail about that time (spring 1883) and that it had continued to break down until 1884 when the enquiry above mentioned had to be ordered.

I believe it is necessary that I should here mention, *en passant*, a circumstance of which I will give the details later on in my remarks. I refer to the fact of a gentleman of high standing, a member of the Privy Council of Her Majesty for Canada, who had to take proceedings with the hon. Minister of Justice at the end of the session 1883, against both the Inspector and his friend, the Catholic Chaplain, asking for their dismissal. The Minister thought two at a time were too many. He decided that the Chaplain would leave the institution, hoping the lesson would be profitable to the Inspector. The Chaplain was told to hand in his resignation, which he did. He was absent on leave the remaining part of the year and left altogether on the 31st of December, 1883.

In his annual report for 1883-84 the Inspector inspired, I suppose, by his liberal conscience, wrote the following paragraph composed of six sentences, of which two are unimportant and are true, while the four others quite important are false.

1. "Rev. J. U. Leclere, who had been Catholic Chaplain to the Reformatory for many years and to the Saint Vincent de Paul Penitentiary since its opening in 1873 tendered his resignation, which took effect from the 1st of January last (1884).

2. During trying periods in the history of this prison, Father Leclere rendered valuable and signal services to the Government.

3. His great innate modesty and humility withheld him from claiming credit for the good he accomplished.

4th. He was properly esteemed and appreciated by officers and convicts, who conscientiously discharged their duties.

5th. Among those of either class, who were evil disposed or devoid of principle, he was not in favor.

6th. He has been succeeded by Rev. Mr. Godin."

The 1st and the 6th sentences are true.

The four others are not; they are false, as I will show.

The 2nd and 3rd are false. The fact of the chaplain having been forced to resign by the Minister of Justice should be sufficient proof, but I will refer your honors to the official report of the evidence taken during the investigation in 1884 where the contrary is established. Let me quote the evidence given by storekeeper Lamarche. He swears, in answer to questions put by Inspector Moylan himself,—

"I consider that Father Leclere in taking the authority of the Warden, did no good to the Institution. He was feared by officers doing their duty faithfully. Messieurs Mallepart, accountant, Demers, keeper, Chartrand, keeper and Desormeau keeper, told me that he was a dangerous man. He broke the rules. He threw ridicule on the Warden. He tried to dominate. He called the Warden by different ridiculous names. He did not contribute to the good of the institution. He has lost my confidence and that of M. M. Mallepart, Demers, Desormeau."

The fourth and fifth are also false. Messieurs Mallepart and Lamarche are both book-keepers in the penitentiary, the first as accountant, the second as storekeeper. They are under the immediate superintendence of the general accountant, Mr. Foster, of the Department of Justice. This gentleman has often stated for years past that both M. M. Mallepart and Lamarche were two of the very best officers of the Dominion, two officers whom it would be difficult to replace. I defy the Inspector and all

his friends to have Mr. Foster contradict this statement. If so, then the very best officers of the prison were hostile to the Chaplain, showing the fallacy of the two assertions contained in the 4th and 5th sentences.

Hon. gentlemen this is the way the history of our public institutions is written. How can you rely on such reports?

Then were not all those good words, all those compliments paid by the Inspector to the late Chaplain a terrible blow at the Minister of Justice who had forced this Rev. gentleman out of office a few weeks before? Let me add that the Inspector knew everything in the Chaplain's case. You have my word for this statement. Then the question comes who is right, who is wrong—the Minister or his servant the Inspector? In either case, a gross injustice has been perpetrated. If under oath I would positively swear that the Minister was quite right as far as the present case goes, but was he not wrong in allowing this official. (the Inspector) to continue such work?

PART II.

I will now give your honors some evidence of the course followed after this date, the end of 1883, to more deeply injure day by day the administration of Warden Laviolette. Allow me, gentlemen to ask you to open the blue book at page 6. You will find there extracts from the minutes of the Inspector during his visit to this penitentiary in December 1883, which will no doubt convince you that some bad work was going on. The Inspector states:

"With respect to the lax discipline which I have observed on this and former visits as noted in these minutes, I have felt it to be my duty to make some enquiry from the Deputy Warden and Chief Keeper in view of ascertaining whether they can give any cause for such laxity. As they are charged with the details of the administration, and in a measure jointly responsible with the Warden for the maintenance of proper discipline, it were but fair to afford them an opportunity to make an explanation which they may see fit to offer. Accordingly I sent for these officers, who, the Warden being present, made the following statement:—

Mr. Ouimet, Deputy Warden, said—"On all occasions I take my orders from the Warden and carry them out. I complained to the Warden that there was a great deal of talk in the shops and principally with Carty's gang in the woodshed, I received sometimes an order from the Warden to speak to the guards about the want of discipline, they told me they had made complaints several times of the convicts to the Warden and that the persons were not punished and that they would commence to misbehave again as fresh as ever. My own opinion is that convicts who violate the rules are not sufficiently punished, that this impunity emboldens them to continue in their course, and that the officers become discouraged by reason of their reports not being attended to. Sometimes there is great neglect on the part of the officers too, that they don't do their duty. I have frequently instructed the officers to report to the Warden what was done wrong in their presence. I don't know whether they did so or not. I have had occasion sometimes to report officers, but I did not notice any improvement afterwards in these officers. There are two or three of this stamp. The bad discipline arises from the fact of the convicts and officers not being sufficiently punished when complained of."

In reply to the Warden the Deputy stated: "I sometimes reported verbally and sometimes on paper about great talk in the yard and in the shops without any notice being taken, and that Carty had told me he often reported convicts with the same result."

The Warden states he "received very few reports from guard Carty. Some time ago he reported his whole gang. He says he sent for the whole of them and gave them a severe reprimand but did not punish them."

The Deputy states "that outside what he has stated everything else goes on pretty well; but the breaches of discipline mentioned are about the same for the last two years."

"The Chief Keeper said 'if the convicts were more severely dealt with there would be better discipline, which is, I admit, not as it should be. I only remember having reported officers for neglect of duty on two occasions within six months. I saw the disorder and talking myself. I did not report the officers who allowed it because it would be a daily occurrance: Had I made reports I would have caused a great deal of trouble without effecting any good. The trouble would be the ill-will of the guards and convicts, who consider the easiest way to get on the best. The breaches of discipline became a habit, and I did not like to make myself conspicuous in endeavouring to effect a reform, particularly as this state of things was as well known to the Warden and Deputy as to myself. I have frequently reprimanded the guards for not keeping better discipline. The general conduct and industry are not as they should be. I think the prisoners should be kept more

steadily at work than they are. I consider the officers and convicts should be dealt with more stringently in order to effect better discipline. I consider there are some men on the staff who are unfit for it. On any occasion that I reported to the Warden about any officer, he took action on my report.'"

It is here asserted by the Inspector and corroborated by the Deputy Warden and the Chief Keeper, that in December 1883 the Penitentiary did not work well, and that it was about the same for the last two years, or in other words, since Mr. Laviolette entered upon his duties as Warden. On the other side it was proved by the report of Mr. Creighton in July, 1883, that then it did work well, and "that in some respects discipline was better than in Kingston." (See page 213) Even Chief Keeper McCarthy had to admit when under oath, during the enquiry of 1884, that

"discipline was as good as it could be expected up to fall 1883." (See page 213.)

So that it seems that the Warden is perfectly right in his assertion that the discipline of the penitentiary relaxed immediately after the report of the Inspector for 1881-82, had been distributed to the public in spring and summer 1883, *id est* in fall, 1883, and that this report worked mischief in the prison—a fact which he asked permission to prove during the enquiry of 1884, but was not allowed to do so. The Inspector, the Deputy and the Chief Keeper affirm also that the too great leniency of the Warden was the cause of the running down of the discipline.

If so, how is it that the Warden had so well succeeded up to the fall of 1883 in raising the discipline to such a state of perfection as it was proven to have been in then from the bad condition in which it was when he entered upon his duties in November, 1881, that he could write in his first annual report for 1881-82 :

"Mr. Bedson, in his short administration of five weeks, had done much for the reestablishment of discipline, but left much to be done in this direction,"

and forced the Inspector to add—

"This is quite true."—(*Annual Report of* 1881-82, *page* 21.)

It seems that this leniency of the Warden, if it existed, had a good effect in restoring good discipline, so that later the lax discipline mentioned by the Inspector must have been caused by something else, most probably by what the Warden states it was, and which he offered evidence of during the enquiry. If I am permitted, I will refer your honors now to the evidence given by Hector Demers, who, speaking upon oath in 1884, said :—

"I was pretty intimate with Father Leclerc (chaplain). On two different occasions the chaplain said to me that if the warden (M. Laviolette) remained here (warden) two years more he would ruin himself. When the annual report for 1881-82 of the Inspector as well as his own came to the Penitentiary, he (the chaplain) said that neither o the reports would do the warden any good. The chaplain said that his report would injure the warden, but that it was the warden's fault."

Now let me give you, hon. gentlemen, the answer made at the time by the Warden to the two statements of his subalterns and which I read a moment ago. The Inspector reports, page 7, of the Supplementary Report.

The Warden handed to me the following statement in reference to the foregoing from the Deputy Warden and Chief Keeper :—

"I, the Warden, must say that the statement given by the Deputy Warden and Chief Keeper as to the rule of silence, etc., very much takes me by surprise, as it is the first time I heard from those officers that talking was indulged in by convicts in general to such an extent. As to the Deputy I am positive he never reported to me in writing that this rule of discipline was so loose. He told me, verbally, two or three times that there was too much talk—but it was said in no way to let me understand that there was anything extraordinary. He reported in writing three or four times against officers for allowing talking. I called the guards and reprimanded them, as it was the first report against them. I maintain that there is, and there must be less talking than there was two years ago, because the convicts are kept in their shops or gangs and traffic or running about and gathering through the yard is stopped.

"As to the Chief Keeper I have often asked him to watch all over, let me know all wrongs he would see and notice, and watch officers. I have also very often asked of him how things were working, how convicts were doing. He invariably assured me well, indeed, they are orderly, and praised the general order of things and I do not remember an instance where he reported to me or told me that convicts were not orderly and behaving well. I told both that I would always be pleased to receive information from them and suggestions.

"It is known that when the Warden is on his visits to the gangs, shops, etc., convicts will behave well. In the present circumstance I am sorry that my two head officers, upon whom I must chiefly rely for the maintenance of order and discipline, did not inform me of the real state of loose discipline prevailing there."

It seems to me that this is conclusive evidence of the facts, 1st, that the Penitentiary did work well until the end of 1883, and 2nd, that the leniency had nothing to do with the falling off of the discipline at the time, but that the cause was something else, probably that stated by the Warden; namely, the bad work some of his own staff were at, protected by the Inspector, as the circumstances I have related evidently show. With all such documents before him, the Minister of Justice took the responsibility of affirming, on the 7th of June last, from his seat in the Commons:—

"The impression I have received, after very long and careful examination of the prison officers, myself, is that the laxity of discipline which occurred in that institution was due altogether to his (the Warden's) kindness of heart, and his disposition not to take notice of complaints made against the prisoners by inferior officers, or made by inferior officers against each other."

While a careful perusal of official documents show that leniency had nothing to do with the laxity of discipline which occurred at the end of 1883, as I have just shown, let me add to these statements of the Warden denying the statements of his subalterns, and charging them with having deceived him, the evidence taken upon oath, in 1884, on this subject.

In the official manuscript report of the evidence taken by the Commissioners, during this investigation, at page 776. I find the following question put by the Warden to Guard Durocher:

"Q. Did you hear the Deputy make remarks regarding orders given by the Warden, respecting the rule of silence?

Witness Durocher answers:

"Being absent from the prison when the orders were read in the keepers' hall, I inquired from the Deputy, asking him if it was perfect silence that was required, and the Deputy said: It was not, that it was impossible to obtain it, to stop the men from talking, laughing and telling stories."

The rule read as follows:

"276. Every officer shall see that the silent system is strictly carried out. He shall not permit one convict to speak to another on any pretence, nor to him upon any matter except the work at the moment in hand, and then only in the fewest words and in respectful terms, as enjoined by the Statute."

Gentlemen, it is not necessary to take any more of your time in quoting from public documents on this question. I leave it to you to pronounce whether or not the Warden was wrong in charging the Inspector, his friend the Chaplain, and the two chief officers of the prison next to the Warden, with having worked in the dark to ruin his administration and injure him as Warden.

The history of the troubles of our penitentiary from the beginning to the investigation of 1884 being complete, I will now refer to the enquiry itself, and show what treatment Warden Laviolette has received at the hands of the Commissioners, (the presiding Judge being the Inspector himself.) First what took place between the time the Warden made his charges and the beginning of the taking the evidence.

2ND PART.

The Investigation of 1884.

At the beginning of his defence, page 120 of blue book the Warden charges the Inspector with having shown partiality against him even before he had laid charges against his subalterns. His words are:

"During the month of May last, 1884, the Inspector being on his ordinary visit said to me that he had to make a few enquires amongst which he named one against Guard Hector Demers at the instance of Chief Keeper McCarthy and another against Guard Durocher at the instance of Deputy Warden Ouimet.

"I was surprised at the information received, since it was the first time I had heard that the complaints against those guards, which I had investigated and settled some time before, would be enquired into a second time by the Inspector.

"During both these enquiries my two chief officers above mentioned indulged in attacks upon me to such an extent that it became evident that I was principally the party whom those two officers had in view. I objected to such a course being followed over and over again, and at last stated that I had not been accustomed to receive blows in my back, that I would not accept the

position made to me wherein I had no chance of defending myself and that I would bring charges against those two officers, and ask for an enquiry, so I did, and I set to work and did prepare my complaint which, I handed over to the Inspector before he left after his visit. Let me refer you, gentlemen, to the minutes of those two investigations, which, no doubt, will be found recorded the facts I have just stated. If they have not been recorded the whole may be proven if found necessary."

In those few lines is found a very strong charge of partiality against the Inspector. It seems that this official, acting then as judge, left the Warden at the mercy of his two subordinates in a case wherein the Warden had nothing to do. This complaint of Warden Laviolette was not the first one. He had already laid a more direct charge against the Inspector, in his reply to the defence of his Deputy. His words were then as follows :

"I submit, Messieurs les Commissaires, all these facts to your serious and kind consideration, hoping that they will set up in your mind a presumption, until I give you evidence of my devotion to the duties of my charge, and of the fact that I have not received from my immediate superior officer and from my subalterns that encouragement and that help I had a right to expect from them."

Now, gentlemen, you, no doubt, believe that the Inspector, after he had so acted and after he had been so accused, thought of asking to be relieved of his functions as one of the two Judges, to whom had been entrusted the duty of making an investigation into the administration of Mr. Laviolette. Not at all. Quite the contrary. In his letter, which is found in the blue book, page 117, transmitting the document impeaching him, the Inspector solicits the Minister to force the Warden to have confidence in him, to withdraw the charge and to so allow him to be his judge.

The following are his very words : (page 119.)

"In view, therefore, of these circumstances, of the groundless and reckless statements which the Warden has made with the intention of implicating me in an imaginary conspiracy against him, and of the position which I occupy as Commissioner appointed by the Minister to investigate, among other matters, this alleged conspiracy, I have to request that the Minister will be good enough to direct the Warden to withdraw such portions of his document as have reference to me.

"If Mr. Laviolette have any proper ground for complaint against me, his own sense of propriety should dictate to him that it should be made distinct from the inquiry which is being prosecuted by Mr. Baillairgé and myself.

"May I request that you will have a reply before the time fixed for the re-opening of the enquiry."

The words "imaginary conspiracy" are worthy of notice. Please do not forget, hon. gentlemen, that the Inspector was then at work investigating this very charge of the Warden against his chief officers, and yet he characterizes it as *imaginary* before it has been fully enquired into.

Hon. gentlemen will not then be anxious about what the report of the Inspector will be, after the evidence is taken, when he characterizes this most important charge of conspiracy at the beginning of the investigation as *imaginary*. No doubt when the whole evidence will have been taken they will find the Inspector reporting, *not proven*. So they will.

After the Inspector had so written and begged of the Minister that the Warden should withdraw this grave charge against him, the Inspector had the audacity to write in his final report, after the enquiry. (See page 152.)

"In a written document, which he (the Warden) laid before the Commissioners, he went so far as, in this direction, that Mr. Baillairgé felt himself called upon to address a note to the Warden, demanding the retraction of the offensive expressions used towards his colleague before the enquiry is continued any further.

It was quite wrong for the Inspector Judge to ask that the enquiry against himself should be made distinct, and only after he had himself enquired into the Warden's administration. The charge was that the Inspector was the first man responsible for the difficulties the prison was suffering from. So that in making this general investigation into its administration he stood one of the defendants. Had this official, then, possessed any sense of propriety and of equity, it should have dictated to him that he was bound in honor to withdraw and leave to another the important duty of examining into such a case. No doubt the Inspector

knew that such was his duty, but it seems he also knew what awaited him, if this investigation was conducted on equitable principles, and by disinterested parties. It seems, from what has been written by men of the highest respectability, that he had to be there at the head of the Commission to be sure that Warden Laviolette, his supporters and his friends, would be broken down and that their influence would be so ruined, that they could not succeed in having a serious investigation which might endanger him—*O tempora ! O Mores ! ! !*

The Inspector succeeded in the desire he expressed to the Minister to be continued in his office of commissioner. His colleague, Mr. Baillargé, wrote to the Warden the following note :

" St. Vincent-de-Paul, 4th Sept., 1884.

" Mr. Warden;

" Inasmuch as your answer to the factum of the Deputy Warden contains accusations against the Inspector who is acting as one of the Commissioners on this enquiry, you are requested to modify it by withdrawing therefrom the portions containing those accusations before the enquiry is continued any further."

G. F. Baillarge.

The Warden answered on the same day :

St. Vincent de Paul,
September 4th, 1884.

Sir—In answer to your note requesting me to withdraw from my answer to the Deputy Warden's factum the accusations contained therein against the Inspector before the enquiry is continued—I have the honor to inform you that although I wish to place no obstacle to the proceedings of the enquiry, I cannot give an immediate answer as requested, without consulting my legal adviser.

Godf. Laviolette.

C. F. Baillargé Esq.,
one of the Commissioners on the enquiry.

The next day the Warden answered :

" St. Vincent de Paul,
September 5th, 1884.

Gentlemen—Before commencing the investigation Thursday the 4th instant, one of you, Mr. Baillargé, requested me to strike out of my answer to the Deputy Warden everything that could be interpreted as a charge against the Inspector, one of the Commissioners, and as the enquiry could not be continued unless I acquiesced to the request, and as I consider that the good of the Institution demands that the difficulties in this establishment which exist among the employees be settled as soon as possible, I do consent to strike out of that answer everything that can touch or reach the Inspector, and to leave therein but what is essential to the case raised between my aides and myself.

" Making all reserves of right,

Godf. Laviolette.

Messrs. Moylan and Baillarge,
Commissioners."

Then the Warden goes on in the same document at page 120 of the Blue Book :

" I had already, some months before, complained of the conduct of both the Deputy and the Chief Keeper. Later, I had determined to force those officers out of office, but I was prevented from doing so, for reasons which I then found insurmountable."

(*The hostility of the Inspector who would preside at such an enquiry.*)

" When their conduct, during the last enquiry, forced me to appeal to the Minister of Justice for an investigation."

This statement of the Warden forced one of the Commissioners presiding over the enquiry, 1884, (Mr. Baillarge,) to the conclusion, (See at the end of his report, page 220).

"That if he, (the Warden) reported the subject of his difficulties, some months previous to the time of the enquiry, his responsibility of what may have happened since had been disengaged to a certain extent."

So that this Commissioner acknowledges that if "the Warden reported, he was relieved of responsibility. Why then did he himself, as well as his colleague the Inspector, refuse permission to the Warden to establish the fact, as it is shown at page 137 he did when the Warden protested in the following words :

"The Warden takes exception to this ruling, as he desires to shew that the disagreement between himself and his officer dated from the publication of that report (1881-82) as many of them were under the impression that the Inspector entertained an unfriendly feeling towards the Warden."

Did they both refuse that permission so that they might be more free to report against him as they did ? But not only had the Warden complained of his two chief Officers, as public documents show, but gentlemen of the highest standing, amongst others, the Hon. Mr. Masson, had made known so far back as 1883, as I will show later,

that the Inspector and his friend the Chaplain were the cause of all the trouble in the prison. Mr. Masson succeeded in getting this last officer removed in 1883 for this very reason, as I will have occasion to establish before I am done. Is it then at all extraordinary that Mr. Laviolette should have hesitated in bringing charges against his officers when he knew of the hostility of the Inspector.

In 1885, before the Minister of Justice had given his decision *in re* the enquiry of 1884, I had reason to go to the office of the Deputy Minister of Justice. The conversation fell on the troubles of this prison. I told the Deputy that there was certainly something wrong with some of the chief officers. That they seemed to be on bad terms with the Warden. They appeared to be negligent. The Deputy answered, "If so the Warden ought to suspend them and report. He will be protected by the Department." Having then no prejudices I thought the Deputy Minister was right and the Warden wrong. I wrote to him the following letter:

OTTAWA, January 31st, 1885.

G. Laviolette, Esq.,

DEAR SIR,—Having had occasion to meet to-day, the Deputy-Minister of Justice, we had to speak of the penitentiary. I told him I had paid a visit to the institution, before my departure from home and that the Institution worked well. I added that I had remarked for some time past that some of the officers seemed to me to be quite indifferent, nay, even neglectful. That I had often remarked that some first class officers were late entering the institution, and so on.

To this the Deputy answered that he regretted it was so, but that the Warden had the remedy into his hands, that he could suspend such officers, report them, etc., etc. That the Warden would always be supported at headquarters.

I must say that I believe the Deputy is quite right and that you were too generous.

I thought I might let you know this, believing that it could help you.

Yours truly,

JOS. H. BELLEROSE.

Three days afterward I received the following answer from Warden Laviolette:

"ST. VINCENT DE PAUL,
"3 February, 1885.

"MY DEAR MR. BELLEROSE,

"I have received yours of the 31st ultimo.

"I admit that in ordinary circumstances I ought to have reported my subalterns' refusing to do their duty, but in the circumstances I am placed in, with the great hostility shown to me by the Inspector, whom I have to report to, and who has the advantage of being at headquarters, while I am far away, it would have been, on my part, only to increase the record against me, and helping Mr. Moylan in his bad work.

"You know the case of the escape of convict Fortier, whom I reported. Mr. Moylan made an investigation. It was evident Fortier had been helped. Please see the report of the Inspector and say what is the use for me to report through this officer. Mr. Moylan investigated the escapes of Fautereux, LeBlanc, Vaillancour in 1884, of Dorion. Please see the reports and say what is the use of reporting. The Inspector has investigated my complaints against Keeper Gadbois. He is all right and I am all wrong. I have complained in January, 1884, of J. D., supporting my complaint with reports of 25 or 30 officers. This officer also was right and I was wrong. And that officer could afterwards, when I had occasion to reprimand him, answer, that he had always been victorious against me.

"In compliance with instructions from the Inspector, I ordered in January, 1884, the Deputy Warden and the Chief Keeper to make every day, or at least every week, a short report as to the state of the discipline. They both refused to do so. I did report them. I was told I asked too much from those officers.

"It would be too long to give you all the facts I could cite to prove that it was not only useless to report, but that it was only giving a chance to the Inspector to calumniate me and accumulate a bad record against me.

"Look at the last annual report of the Inspector for 1883-84, Could the Inspector, when an investigation had just taken place and the report had not yet been made, could he decently and honestly write in his annual report:—

"'*It may be stated in general terms that the administration is by no means satisfactory.*'

except he wrote those words to excite prejudices against my administration and prepare the Minister to receive favorably the views he would express in his special report of the enquiry in view of ruining me.

"Knowing the hostility of Mr. Moylan and the bad work he had done in my back at headquarters, I thought it was better for me to wait and do both my own work and that of my two chief officers, as I have done for a few months past, leaving to Divine Providence to decide when the time had come to let know what I had suffered.

"Wait, Mr. Bellerose, and if fair play is extended to me, the Inspector will have his turn.

Yours truly,
G. LAVIOLETTE."

Is it not a sad thing to think of an officer, having such a responsibility as that of the head man of a penitentiary, being surrounded by officials who, it seems, had determined to prevent his administration from being a success—and the Government ignoring all his appeals for justice, ordering that the very officer charged with being the cause of his difficulties should enquire into his administration and decide whether the Warden was right or wrong.

Is it at all extraordinary that such a course increased the difficulties in the prison and that from the date (July 1885) the report of the commissioners and the decision of the Minister were made known ; you could see that something very bad was preparing as I told the Government from my place in this House in March 1886. Four or five weeks afterwards the sad news came by wire that convicts had risen up in arms against the legitimate authority of the prison and the Warden had fallen a victim to such a persecution and a convict had been shot dead and sent to his Maker without having had a minute to think of it.

At the very beginning of this investigation, before a single witness had been heard, the Warden could see that his enemies had succeeded in deceiving the Minister of Justice. The Warden having complained of his two first aides, asked for their dismissal. The Minister ordered a general investigation into the administration of the prison. At page 120 in the blue book. The Warden is reported to have taken exception to such treatment having been inflicted upon him. He says :

On the 26th June last, the Commissioners having arrived, opened the investigation by stating to my great surprise that their orders were to make a general enquiry into the administration of the penitentiary, so that without having received *one minute's notice*, I was put on my defence. My two superior subalterns had received a few days' notice. During the last three or four months, I had then :

1stly. To attend daily to the important duties of Warden.

2ndly. To prepare my case against my two chief officers, and attend at the enquiry court every day.

3rdly. To prepare my defence for my three years' administration, without having received notice that I would be put under trial.

"I had complained that my two chief officers were implicated with some few other officers of the Institution in a conspiracy against myself and my administration, besides some twenty other charges I had laid against those officers, and consequently I had shown that I could not by any means have perfectly succeeded in my administration, and yet my adversaries obtained the great advantage of having my administration enquired into, appreciated and judged, while it was under such a demoralizing influence, and before I had occasion to restore it with a whole staff of officers devoted to their superior officers and united with him by that *exprit de corps*, without which no institution can be properly managed nor efficiently worked up according to the best authorities in penitentiary discipline."

I am sure there is not a single gentleman in this House who will not come to the conclusion that the Minister of Justice, who had not even once visited this prison, could have ordered a general investigation into the circumstances referred to by Mr. Laviolette, if such a course had not been suggested by the Inspector himself. Certainly the circumstances of the case lead to a strong presumption that it was so, particularly when you take into consideration a certain letter of the Inspector, which is found at page 109 of the Blue-Book, and bearing date 5th June, 1884. The Inspector announces in this letter to the Deputy Minister of Justice the charges made by the Warden against his two first subalterns, and which had been put into his hands some three days before (on the 3rd). The Inspector, alluding in his letter to these charges, does so in such terms that it is evident that he is trying to induce the Deputy Minister to suggest the making of a general investigation in *lieu* of one against the two chief officers complained of by the Warden. So that Mr. Laviolette's administration being enquired into after it had been broken down by the officers he complained of, it would give a chance to the latter and injure the former.

Let me read to you this paragraph of the Inspector's letter :—

" The charges are of a general character and singularly enough, correspond in great measure with those which these same officers have intimated their intention to bring against the Warden. * * * Yesterday afternoon, upon my return from St. Vincent de Paul, the Secretary of State, Mr. Chapleau and Mr. Ouimet, M. P., called upon me at

the Hotel to see if some amicable arrangement could not be effected between the Warden and these officers * * *."

By the rules followed in our Penitentiaries every subaltern has to lay his complaints through the proper channel, namely, through the Warden. In this case the Warden knew nothing of what was going on against him between his subalterns the Inspector, the Secretary of State, and the Deputy Warden's brother. The whole work was done in perfect secrecy. The Inspector had even kept in his hands the charges made by the Warden again his subalterns (and which were put into his hands on the 3rd of June) until he had met the Secretary of State and the Deputy Warden's brother in Montreal on Wednesday, the 4th of June. He settled this and settled that with those gentlemen, before the chief of his department, the Minister of Justice, knew anything of what was going on. It was only on Thursday, the 5th of June, when the whole arrangements having been completed, the Inspector thought of letting his chief know of the complaints of the Warden, by his letter of 5th of June, (page 120), mentioning at the same time, for the information of the Minister, that the officers so complained of by the Warden had intimated to him that they had also determined to lay somewhat the same charges against the Warden Now what right had the Inspector to do such a thing, when those officers had not yet made any charges in writing, except such a course was considered necessary to prevent an investigation being made against the officials complained of by the Warden, and determine the Minister to order a general investigation into the administration of the Warden, and so help the accused parties out of the difficult position the Warden had placed them in.

In the late Warden Duchesnau's enquiry, I was present as the representative of the complainants. Warden Duchesnau asked that the case of some of his officers, that he wished to complain of and have dismissed, should be dealt with at the same time as his. The Inspector was obstinately opposed to such a course—one case at a time, was his motto.

What caused the change in the Inspector's mind? No doubt this charitable official would answer, it was his great love for Mr. Laviolette and his aversion to the two officers complained of by the Warden, and whom, by the course followed, he protected.

I leave you, hon. gentlemen, to draw an honest and conscientious conclusion, one which logic and common sense dictates.

I have now reached the time when the different witneses were called and examined. Let me show you what has been the conduct of the Inspector during and after this great trial.

One of the witnesses wrote at different times in the press, over his signature, the following words, which he defied both the Inspector and his friends to contradict.

"The presiding Judge, Inspector Moylan, has shown himself during the enquiry, to be the accuser and the most hostile adversary of the Warden, and at the same time has acted as the attorney and protector of the Deputy Warden.

I, myself, defy the Inspector to contradict the following statement of mine, which is, that another witness, of the highest respectability, told him flatly, face to face, that his conduct during the enquiry had been so partial that it had been a gross scandal.

Witness Desormeau wrote in his letter of the 31st July, 1885, addressed to Warden Laviolette, the following, which are found at pages 307 and 308.

"You know that I have always been obedient to my superior officers, to the rules of the Institution, and to the orders which were given me. You know that I have been faithful to my superior officers, that I have done my utmost to help, day and night, the good working of this Institution. If I had not been a good employee would I have been twenty-three years in the employ of the Government, in the Reformatory before 1873, and then in the Penitentiary for the last twelve years, during which period the Penitentiary took the place of the Reformatory? During so long a term of service, notwithstanding the difficulties which have existed since the foundation of this prison, I performed my duty well, since I can challenge anyone to show more than five or six very light reports against me, and not a single serious report, except the one made in April, 1882, which report brought on me, on the part of Mr. Moylan, who had in view to save the only guilty one, the then Chaplain, Mr. Leclerc, so partial and unjust a judgment, that the latter gentleman (Mr.

Leclerc), pressed by the remorse of his conscience remitted me the amount of the fine which I had been condemned to pay. Since you have entered this Penitentiary as Warden, I have never acted otherwise than I did under your predecessors, and I have acted under all your predecessors. At the time of the investigation against Dr. Duchesneau, Mr. Moylan thought I was an officer whom he could recommend to, and who deserved, the protection of the Hon. Minister of Justice. How is it that to-day he finds me so bad, when I did nothing which I have not done before? Would it be because, at the time of the investigation against Dr. Duchesneau, my evidence was unfavorable to the Warden, whom he wished to have dismissed, while to-day my evidence is favorable to the Warden whom he hates, and unfavorable to the Deputy Warden whose cause he was taken up, to the great scandal of all the witnesses who were called at the investigation of last summer?"

In the minutes of the enquiry, I find at page 287, of the manuscript laid before the Senate that the Inspector in his determination to discredit the evidence given by Keeper J. B. Desormeau, affirms, in contradiction of his witness' statement:

"That the Minister of Justice Mr. Blake did not reprimand the present Deputy Warden, but that he considered that Mr. Ouimet was not a practical farmer and he gave him the option of remaining in the service as a guard, which Mr. Ouimet declined to accept."

Not so. The Inspector knew the facts better than any other man, but he had to prevent his colleague, Mr. Baillargé, from knowing them as they stood. The Inspector himself had conveyed the decision of the Minister (Mr. Blake) in the following words which are found in his minutes of the 6th December, 1875.

"That on account of his want of energy or incompetency, the former gardner, Telesphore Ouimet, be reduced to the position of a first class guard."

It seems to me that there is a great difference between the style which the Inspector uses to-day in alluding to this event of Mr. Ouimet's degradation in 1875 and the style of his minutes at the time it took place.

Times had changed as also the Inspector. Since the beginning of all those troubles of this prison the Inspector has always shown himself extra liberal with the Deputy, but extremely severe, to say the least, with Warden Laviolette. But it is written, *Quem vult perdere Deus, prius dementat.* Let the Inspector never forget this maxim.

HON. MR. BELLEROSE.

During the investigation the Warden tried over and over again to be allowed to put such questions to the different witnesses examined, as would eliminate some evidence showing the evil the annual report on penitentiaries for 1881-82 had done both among officers and convicts, as also to show the animus which had inspired the Inspector in preparing this report, and finally show that such had been the causes of the then present difficulties of the prison. The Inspector invariably refused to do so. At page 137 of the blue book your Honors will find the following paragraph, which establishes this fact:

"On the same day, (16th July, 1884), while the same witness Gauthier was giving his evidence, I, the Warden, put a question to the witness to establish the cause of the great ill-feeling which existed between the Deputy and the Warden, when the Inspector said:—

"*The Warden in examining yesterday, ex-Guard Demers, elicited a reference from that person to the Minister of Justices report for the year ending 30th June*, 1882, *and in examining this witness the Warden puts a question which again brings this report in question. The Commissioners have decided that it is improper to make the report of the Minister of Justice a subject for enquiry, and to have officers of inferior grade in this institution passing judgment on it, inasmuch as a portion of the report in question received the sanction of the Minister and was by him presented to Parliament.*"

The Warden took exception to this ruling in the following words:—

"The Warden takes exception to this ruling, as he desires to show that the disagreement between himself and his officers dated from the publication of that report as many of them were under the impression that the Inspector entertained an unfriendly feeling towards the Warden. The Warden further adds that if the discipline be not as it should be, it dates from the publication of that report."

The Warden continues, let me add to-day, that I fail to see why I should not have the same advantage as that which has been granted during this inquiry to the Deputy Warden. I having made charges against the Deputy, he was allowed to answer by a series of charges against me, his superior officer. In answer to my prayer for a special inquiry against two of my chief officers, a general inquiry into my administration was ordered. I then stand also on my defence. So it is that during the whole time of my inquiry, efforts have been made to establish facts against my administration.

Why should I be refused to prove that

if my administration is not as good as might be desired, my superior officer, the Inspector, is responsible for it. No one ever dreamt of making the report of the Minister a subject of an enquiry, but if *fair play* had to be extended to me, I had a positive right to show what were the difficulties which may have prevented my full success in the administration of the Institution, and consequently I could not be refused permission to show that, rightly or wrongly, this report of the Inspector to the Minister had injured my administration. Such is the right I have invoked.

"Could I not even attack this report of the Inspector, if I had thought I had sufficient reasons to do so and even ask for an enquiry into the matter, though the Minister not knowing the facts had received it, gave it his sanction and presented it to Parliament.

Would such a prayer be refused on the ground that the document had been put before the Parliament? or because it was received by one of the Ministers? Certainly not. It has been done again and again."

The Commissioners having so far succeeded in preventing the Warden from enquiring into the actual cause of the troubles in the prison, continued to put as much restraint as they possibly could on the action of the Warden. At page 137 hon. gentlemen will find some evidence of this :—

"On the 18th July, 1884, Guard Lesage having completed his evidence, the Commissioners, through the instrumentality of Mr. Moylan, requested me (the Warden) as follows :—

"*The Commissioners seeing that the scope of the enquiry is being unnecessarily extended by the course of procedure pursued by the Warden, asked the Warden for a list of his witnesses to be examined and the nature of the particular charges against the Deputy Warden, and what each witness will prove.*"

"*This being the rule followed in former investigations held in the Institution. The Warden refuses flatly to comply with the reasonable request of the Commissioners, and further refuses to give any grounds for doing so.*"

Here follows the answer of the Warden :—

"With all due deference to the Commissioners, I beg to reply that on a former occasion during the same enquiry, when the same demand had been made to me, I had then given the reason which prevented me from giving such a list. I had then honestly stated that I had made no such list, and that I did not even know who were the witnesses I would call the next day.

"I also stated that this depended much upon the nature of the evidence given every day. I added that I had so much to do, that I had to work day and night, having to attend to my duties as Warden, prepare my case against the two officers I had accused, and see to my own defense. I had every night to prepare for the next day's enquiry. I beg to remark that I have no practice in enquiry making.

"Let me take the liberty to state that no such lists were given, neither on one side nor on the other, in the Duchesnau case. Neither were such lists given in the two last inquiries which preceded the present one. I may add that what has happened a few days before, on the 16th of July, is in my opinion a sufficient excuse for me not to consent to let known to my opponents what I would do the next day. The Commissioners will remember that when witness Gauthier had complained of the Deputy threatening him as to his evidence, three other cases of undue interference on the part of the Deputy, had come to light. The Commissioners reprimanded the Deputy, who promised that he would do it no more, but I can say now that he has done it since. No doubt this will show that it was quite prudent on my part to refuse to give such list when I knew who I had to deal with."

Such are the reasons furnished by the Warden for not having given the list asked for. Every one of the many reasons given was more than sufficient to excuse the non-compliance with the prayer of the Commissioners, but the extreme partiality of the Inspector and his great dislike for the Warden suggested to him that he should write and say in his report, (page 137 of blue book) :—

"The Warden refuses flatly to comply with the reasonable request of the Commissioners, and further refuses to give any grounds for doing so."

As to the Duchesneau enquiry referred to by the Warden, let me tell you, hon. gentlemen, that I represented the complainant in that case and I am bound to say that I never gave such a list, neither did the defendant, the late Warden, Dr. Duchesneau. Neither were such lists ever asked for by Inspector Moylan who presided at this enquiry. So that the assertion made by the Inspector, acting as Commissioner, that the rule followed in previous investigation, that parties gave lists of their witnesses, is altogether the reverse of the truth. No such lists were given.

I will now give another instance that will show the difficult position in which the Commissioners placed the Warden

during the enquiry. At page 147, the Warden states :

I also called for the rebuking of the evidence ordered by the Deputy Warden—Rev. T. Auclair, priest, assistant to Rev. Mr. Leclerc, to whose testimony I have just now referred. This witness, Rev. Mr. Auclair, objected answering to my question to show that some of the penitentiary officers had been in the habit of visiting the late chaplain since he had been forced to resign his position in the penitentiary, and had reported to this reverend gentleman what passed and occurred in the penitentiary.

The witness gave for reason of his refusal the fact that he lived with Rev. Mr. Leclerc and could not be forced to say who came there and what they said. The Commissioners maintained the objection, and by so doing deprived me of the advantage of showing that conspirators met there, or were in the habit of visiting this reverend gentleman, whose hostility to my administration has been perfectly established.

"No doubt, this is the first time that a witness has been authorized to refuse giving evidence for so poor reasons, and I am sure it is not necessary for me to discuss the question.

If witnesses were authorized to refuse giving evidence, on such grounds, very few witnesses could be found who would answer to questions put to them.

I beg to remark that the Rev. Mr. Leclerc had himself answered to the same questions in the negative. What objection, then, could possibly have his assistant priest to corroborate his evidence, if he could do so? This refusal of the witness is a strong presumption that he could not corroborate the evidence given by Rev. Mr. Leclerc and that he had to contradict his statement. Thence his refusal to swear. This shows something, but not all, of the sad position I have been placed in for months and months past.

While my First Chief Officer, the Deputy Warden degraded in 1875 as I have shown before, in the first chapter of my defence, had a brother outside of the Institution, an M. P., who could advise him to disobey the orders of the Chief Executive Officer of the Institution, another important Official in the Penitentiary, Mr. Dagnault, Storekeeper in connection with the Public Works Department, and who was dismissed as Accountant to this Prison in 1880, had also his brother-in-law (Rev. Mr. Leclerc, late Chaplain) whose hostility to my administration had already caused his leaving the Institution, an hostility which has now been fully established before the Commissioners.

"I will say no more for the present, as to the fact of the other conspirators having also relatives outside. I have said enough to show that if, with so many difficulties in my way since the very first day I took office, I have been able to manage the Institution in such a manner as to deserve as good a compliment as paid to me in July, 1883, by an honest, honorable and most competent gentleman, John Creighton, Esq., Warden of the Penitentiary of Kingston, I must have fought hard and worked much, and must not be altogether deprived of the most important qualifications required for my position as Warden, such as discretion, sound judgment and good will.

"With all due regard to the decision of the Commissioners I take the liberty of protesting against the decision in the present instance, and I appeal from their judgment to the decision of the Honourable the Minister of Justice."

This needs no comment. It is evident that the Commissioners in allowing this important witness to withdraw without giving evidence, were wrong, and that they did an injury to the Warden.

At page 156 hon. gentlemen will find the following statement in the report of the Inspector *in re* the enquiry of 1884 :

"From all these facts and circumstances, coupled with the important ones that the Warden did not report the existence or suspicion of a conspiracy up to 7th December, 1883, that he first swore it began after that date, and then endeavored to prove that it had form and shape ten or twelve months before the enquiry, I conclude he was induced to believe in the chimerical idea of a conspiracy by those men, for their own purposes, whereas the evidence manifestly shows there was not the slightest ground for such an imputation against the six officers."

This report of the Inspector is dated 31st January, 1885, while the Warden in his reply, dated 26th July, 1884, to the defense of Deputy Warden, states :

"If I have not accused the Deputy Warden at the Inspector's last visit, in December last, it was, among other reasons, the fear I had that the proofs were not so strong as to convince me; they could impose themselves and obtain victory for me in the circumstances I was placed in. On the one hand, I saw the hostility of the Inspector, who would be my judge, and on the other, I perceived that one of my principal officers was working in the same way, being aided by some others My position was a perilous one. Prudence suggested to me not to speak—to suffer patiently and to let time furnish me the opportunity of obtaining justice. I submitted to this necessity, but the way things have been working does not permit me to delay any longer. I thought it my duty to lodge my complaints against my Deputy Warden. His answer to my charges compels me to-day to make one step more and to complain of my superior officer, the Inspector of Penitentiaries.

"I shall say nothing about the ex-Chaplain, Father Leclerc, for the reason that his departure from the Penitentiary gives me liberty to think no longer of the past, except in mending the breaches he has caused to the discipline.

"The Deputy Warden declares it was against his will he has accused me before the Inspector, at his last visit in December last, and that the Inspector has compelled him to furnish those informations which he considered as having an official and confidential character.

My only answer to this avowal from the Deputy, I shall say: at the Inspector's arrival on the 20th November last, I wished to accompany him as I usually did, in his round in the different departments of the institution; he would not; I insisted; he refused, saying he preferred msking his visit alone. I had to submit and remain in my office. Mr. Inspector commenced his round alone at about ten o'clock, a.m. A few minutes later, the Deputy Warden was accompanying him. Mr. Inspector returned to the office at about one o'clock, p.m.

I do not certainly pretend to contest the Inspector's absolute right, in acting so, though contrary to the practical use. You can easily appreciate the position in which I was, as I had had so many proofs of Messrs. Inspector's and Deputy Warden's hostility towards me."

So that when the Inspector wrote the words which I have just read from his report, he had before him the statement and charges laid against him by the Warden which he neither denied nor even tried to answer. On the contrary, he feigned to ignore them and deliberately changed the issue in his report knowing that the voluminous details of the investigation would never be read by the public, nor by members of Parliament, who all would be satisfied with the reading of the report proper of the Commissioners. I defy either the Minister or the Inspector to show that the Warden ever swore that the conspiracy he complained of, had began after December, 1883, and later th t it had form and shape ten or twelve months before. What the Warden said and repeatedly asserted and even swore to was that the difficulties in the prison had been caused by the reports of the Inspector and of the chaplain for the year 1881-82, published in the summer of 1883. What the Warden also said and swore to was that the conspiracy became more apparent when it worked mischief in the fall of 1883. Lastly, what Mr. Laviolette also swore to was that some ten or twelve months before, his chief officers had shown very little zeal, but that they had not then resisted his authority till later when the report made them aware of the hostility of the Inspector towards him, the Warden. During the first six months of this year, 1883, the prison was all that could be desired Mr. Creighton having been ordered to visit the penitentiary and report, did so on the 3rd of July, 1883. His report is that the prison was working well and that the discipline was somewhat better than in Kingston. Chief Keeper McCarty, one of the officers charged with conspiracy, etc., swore during the investigation, 1884, that discipline had been good until the fall of 1883. (The Commissioners admit this in their report, see page 213 of blue book). As to the statement that the report of the Inspector, etc., had been the primordial cause of the troubles, the Warden repeatedly tried, during the enquiry, to be allowed to establish the fact, but the Inspector obstinately refused him permission to do so, as I showed a moment ago by a quotation of the documents in this great trial.

At page 133 your honors will find that the Warden having put the following question to the Steward (Mr. Mazurette)

"Do you think that after the style in which such reports (the Deputy's report) were written, that the Deputy would be in a position to make a report to the Warden or to the Department of Justice, should the necessity for doing so arise?"

It was disallowed in the following words:—

"*The Inspector considers that the Warden is asking unnecessary and useless questions of this witness as to the changes about the rules, regulations and discipline of the Penitentiary: that it would be as much in place for the Inspector to ask a clerk or a messenger in the Department of Justice how the Superior Officers of that Department performed their duty, as for as the Warden to be asking general and theoretical questions from this witness respecting the duties of the Deputy. The Inspector decides if it has been wrong for the Deputy Warden to have a convict employed in his office to do writing or any other duties required of him by the Deputy, it rested with the Warden to put a stop to that abuse if it were really an abuse.*"

"Mr. Baillargé concurs."

To this the Warden answered :—

"As to the ridicule cast on me in the above remarks of the Inspector, I have nothing to say, but I will say a word to establish the fact that this witness (Mazurette) is a man of good education and of good instruction, consequently well fitted to judge whether or not the Deputy or any other man has a sufficient instruction to write a letter, keep up a correspondence, or make a report of the nature I have mentioned. Things being so, the witness was a proper witness to put the question to according to the opinion expressed by the Deputy Minister of Justice in his letter to the Inspector on the 3rd July, 1884. His words are:—

"'*Unless the witness is an expert testifying to something within his knowledge as such expert, his opinions are not received as evidence in courts of law.*' I may add as a matter of fact that this was not the first time that subalterns have been called upon to give their evidence for or against their superior officers, and that they had to state whether or not they have done or performed their duties.

"Are not the Commissioners doing that now in my case—are not my subalterns, even the teamsters of the Institution, to be called to give evidence for or against me, the chief officer of the Penitentiary ?

"The Inspector states that I put some unnecessary and useless questions. Having made a specific charge of want of instruction, I fail to see how this question of mine can be considered as unnecessary and useless. But I also fail to see the necessity for so many questions, some of them relating to matters under former *régime*, put by the Inspector when examining the different witnesses on my side, questions which had nothing to do with the charges proven against the Deputy, except they were put to them by the Inspector as a menace to make witnesses fear. Let me cite some three or four examples. To witness Mazurette the Inspector asks :—

"*Q.* '*Do you know that you have been found fault with by late Warden Duchesneau or present Warden ?*' *A.* '*I am not aware.*'

"*Q.* '*Do you remember my having spoken to you about the lax discipline kept by you over the men in your charge ?*' *A.* '*I don't remember.*'

"*Q.* '*Has the late or present Warden found fault with you ?*' *A.* '*I may have been reprimanded some time ; I don't remember.*'

"*To Witness Desormeau :* '*The Deputy is allowed by the Commissioners to put a question, reflecting on his morals and his honesty.*'

"As to the last remark of the Inspector, I beg to say that it is just, because I have found it, and do find it now, wrong to allow convicts to pass their whole time in the Deputy's office, doing such writings as the literary qualifications of the present Deputy does not allow him to do; that I have complained ever since I took office, and I am happy to add that the Inspector's opinion has always been in unison with mine, except for some time lately, when he changed them and expressed during this enquiry some doubts as to whether it was an abuse or not. I find in his minutes of the 28th March, 1882, folio 268 :—

(Consequently the following was written by the Inspector before the event which made him hostile to the Warden and friendly to the Deputy Warden and his associates. This event having taken place during the last six months of 1882, as I have already stated.)

"'*I am further informed by the Warden that all the reports which are made by the Deputy Warden to him of convicts or officers are first written out by convict D. Brown. This is altogether irregular and wrong. No prisoner should be placed in a position where he would have an opportunity of knowing what transpires in reference to convicts or officers. The Warden will, therefore, put a stop at once to this very objectionable custom, and see that the Deputy Warden writes his own reports, in future.*' But, gentlemen, the work had to be done ; I had then either to force Mr. Ouimet out of office, on account of his lack of instruction, or tolerate an abuse which I then thought for some time could be removed, by the Deputy getting the help of some one of his confrères, but, his conduct and his hostility towards the great majority of the staff, have prevented such an arrangement taking place, which might have saved Mr. Ouimet, as I was inclined to save him. All means having so failed, and Mr. Ouimet every day becoming worse and worse, I had to fall back on the other course, that is to say: ask for his dismissal, as I am doing now, when I am met with the objection that I cannot question the literary qualifications of the Deputy, because it would be impeaching the Minister of Justice's act in appointing him."

This, I should think, does not only show partiality, but it also shows that the Inspector even used the influence of his position to have those witnesses, officials of the prison, under his control. He kept, it will appear, the sword of Damocles suspended over their heads.

The Warden states in his defence that on the 16th July, 1884, he having put the following question to Witness J. B. Gauthier (See page 140 of the blue book).

"Have the convicts the same confidence in the Deputy ?"

Objection was taken by the Inspector in the following terms:

"*The Commissioners consider the last question an improper one, inasmuch as the relations of the Warden and the Deputy Warden with the convicts are not the same.*"

"*The Deputy being charged with the duty of carrying out the details of the administration which are often obnoxious to the convicts and calculated to inspire them with a degree of bad feelings towards the officer who is charged with such a duty, whereas the Warden's intercourse with the convicts is for the most part of a pleasant and agreeable character.*

To this the Warden answered:

"I regret this objection of the Inspector made in the name of the Commissioners, because, even if I entertained such views as theirs and believed that the duties of the Deputy Warden are more obnoxious to convicts than are those of the Warden, I could not even then admit that the Commissioners were right when preventing me from showing that the Deputy Warden had lost the respect and confidence of the convicts; all they could have done, it seems to me, would have been to appreciate such evidence when it had been taken, with the different circumstances of the case, use it then against the Deputy more or less in proportion with the difference which in their minds, existed in the relations of both those officers and convicts. But still more. The duties of the Deputy Warden are prescribed to him by the "Penitentiary Act" and by the "Rules and Regulations for the government of the Penitentiaries." If I look over the Act and 25 rules containing the special duties of the Deputy Warden (from the 45th rule to the 69th inclusively), I find that the Deputy has no particular duties to discharge with convicts, except he has to maintain generally the policy of the prison, for which purpose he has a special control and direction of the Trade Instructors, Keepers, Guards and other servants, and has to report to the Warden strictly and promptly, every neglect of duty of any of those officers. Practically then, the Deputy reports his subaltern officers for neglect of duty and such subaltern officers report convicts.

So that if this opinion of the Commissioners could be a sound one, it would apply much less to the Deputy Warden than to Trade Instructors, Keepers, Guards, &c., also much less to him than to the Warden.

As to the question itself, my ideas are quite the reverse of those of the Commissioners. Having had in years past so much as 200 and 300 men at the same time at my employment, the experience I caught then, coupled with that of the three years I have passed at the head of this Penitentiary, have given me quite other ideas. If we had to deal with children, possibly it might be as stated by the Commissioners. They would, possibly, look more to the hand which strikes them than to the party who ordered the punishment. With grown up men, not so: they reflect more; they look further back.

Are convicts flogged? They think of the Warden ordering the punishment; they see him present, giving orders to the officer holding the whip. When their sufferings are too great, to the Warden they will go for relief, and beg of him to be pardoned. Are they sent to the dungeon? They know that the officer who locks them up has to do so or go. Are they deprived of light, tobacco, remission of time, &c.? they think of the Warden having ordered so. So it is, they are naturally led to curse the Warden and excuse the hand which strikes them, or even the party who have reported them, except he has ill-used them.

"Since my appointment to the Wardenship, I have heard it many times repeated that an old and most efficient officer of this Penitentiary, Chief Keeper Cooper, though a very severe disciplinarian and the most rigid observer of the rules and of all orders received, was nevertheless always much respected, and had the full confidence of the convicts. They used to say they liked him, because, though severe, he was good to them, just and impartial. There was no roughness, no harshness in him.

Let me remark that besides some few special duties prescribed to him by the rules, viz., the looking of the cleanliness of the prison, the keeping into efficient order, the water supply apparatus, the stables, the sweeping of the chimneys, the bathing of convicts, the helping the steward in the changing of clothes of the convicts, the Chief Keeper, according to Rule 107, has no other duties to perform, but the duties of general supervision of the prison, which are also incumbent upon the Deputy Warden by the rules."

I am much mistaken, if the objection of the Commissioners to the question put by the Warden is a good one. The most they could afford to do, was to let the witness answer and reserve their appreciation of his statement. But it seems to me to be quite evident, that when dealing with such charges as those laid by the Warden against his Chief Officer it was a necessity to show that their conduct had been such that it even had had the effect of depriving them of the confidence of convicts—that they had lost their confidence and their respect. Could it be otherwise when convicts knew, as the official report of the evidence shows they knew, that the Deputy Warden was at war with the Warden? When they themselves spoke of the Warden's party and the Deputy

Warden's party, surely they must have gone for the one or the other party. This is precisely what the Inspector did not like to see established. He knew before hand what was the state of feelings of the convicts towards the different officers of the prison. He knew that strictness, coupled with equity and kindness never led convicts to hate their guardians, but that harshness and roughness, had that effect and he himself had written, in his minutes (March 1882 Folio 268-288.)

"The Deputy Warden (M. Ouimet) is rough and abrupt in his manner, towards officers and convicts."

No wonder he would not allow such a question to be put the answer to which he might have worked mischief against the Deputy Warden.

It being nearly six o'clock, Mr. Bellerose moved that the debate be adjourned until to-morrow.

The motion was agreed to.

THE STANDING COMMITTEES.

MOTION.

HON. MR. ABBOTT moved the appointment of the Standing Committees as follows:

LIBRARY.

Honorable Messrs.

ALLAN,	MILLER,
ALMON,	ODELL,
BAILLARGEON,	POIRIER,
BELLEROSE,	POWER,
BOTSFORD,	RYAN,
DE BOUCHERVILLE,	SCOTT,
GOWAN	SULLIVAN,
HAYTHORNE,	TRUDEL, and
LACOSTE,	WARK,
MACPHERSON (Sir David Lewis).	

be appointed a Committee to assist His Honor the Speaker in the direction of the Library of Parliament, so far as the interests of this House are concerned, and to act on behalf of this House as members of a Joint Committee of both Houses on the Library.

PRINTING.

Honorable Messrs:

CASGRAIN,	MCKINDSEY,
DEVER,	MCMILLAN,
GIRARD,	MACFARLANE,
GOWAN,	OGILVIE,
GUÉVREMONT,	PELLETIER,
HAYTHORNE,	READ.
KAULBACH,	TURNER,
MCCLEAN,	VIDAL, and
	WARK.

be appointed a Committee to superintend the Printing of this House during the present Session, and be instructed to act on behalf of this House with the Committee of the House of Commons as a Joint Committee of both Houses on the subject of Printing.

BANKING AND COMMERCE.

Honorable Messrs:

ABBOTT,	MACDONALD,
ALLAN,	(Midland)
ARCHIBALD,	MACPHERSON,
BELLEROSE,	(Sir David Lewis)
BOTSFORD,	ODELL,
BOYD,	PAQUET,
CARVELL,	ROBITAILLE,
CHAFFERS,	ROSS,
CLEMOW,	(Laurentides)
COCHRANE,	RYAN,
FERRIER,	SANFORD,
LACOSTE,	SMITH,
LEWIN,	SULLIYAN,
MCCALLUM,	THIBAUDEAU,
MCMILLAN,	TRUDEL,
MACINNES.	TURNER, and
(Burlington)	WARK,

be appointed a Committee on Banking and Commerce for the present Session, to whom shall be referred all Bills on these subjects.

RAILWAYS, TELEGRAPHS AND HARBORS.

Honorable Messrs.:

ABBOTT,	MACDONALD, (B.C.)
ALEXANDER,	MACINNES,
ALLAN,	(Burlington.)
BELLEROSE,	MONTGOMERY,
DEBOUCHERVILLE,	MILLER,

CARVELL,	O'DONHOE,
COCHRANE,	OGILVIE,
DICKEY,	POWER,
FERGUSON,	ROBITAILLE,
FERRIER,	RYAN,
HARDISTY,	SANFORD,
KAULBACH,	SCHULTZ,
LEONARD,	SCOTT,
MCCALLUM,	SMITH,
MCCLELAN,	STEVENS,
MCDONALD, (C.B.)	SUTHERLAND,
MCKAY,	TURNER, and
MCKINDSEY,	VIDAL,

be appointed a Committee on Railways, Telegraphs and Harbors for the present Session, to whom shall be referred all Bills on these subjects.

CONTINGENT ACCOUNTS.

Honorable Messrs :

ABBOTT,	MCMILLAN,
ALEXANDER,	MACDONALD
ARCHIBALD,	(Midland),
ARMAND,	MACFARLANE,
BOTSFORD,	MACPHERSON
CHAFFERS,	(Sir David Lewis)
DEBLOIS,	MILLER,
DICKEY.	ODELL,
FERRIER,	O'DONOHOE,
FLINT,	PAQUET,
FORTIN,	PELLETIER,
GIRARD,	POWER,
GRANT,	READ,
HOWLAN,	ROBITAILLE,
LEONARD,	RYAN,
MCCLELAN,	SCOTT,
MCDONALD	SCHULTZ,
(Cape Breton),	SMITH,
MCINNES (B.C.),	STEVENS, and
MCKAY,	VIDAL,
MCKNDSEY,	

be appointed a Committee to examine and report upon the Contingent Accounts of the Senate for the present Session.

STANDING ORDERS AND PRIVATE BILLS.

Honorable Messrs :

ALMON,	MCMILLAN,
ARCHIBALD,	MACDONALD (B. C.),
ARMAND,	MACFARLANE,
BELLEROSE,	MERNER,
BOLDUC,	MILLER,
BOTSFORD,	MONTGOMERY,
CARVELL,	O'DONOHOE,
DEBLOIS,	OGILVIE,
DEVER,	PAQUET,
FERRIER,	PELLETIER,
FLINT,	POIRIE,
GIRARD,	POWER,
GLASIER,	READ,
GOWAN,	REESOR,
GRANT,	ROSS (de la Duran-
GUEVREMONT,	taye),
HARDISTY,	SCHULTZ,
HAYTHORNE,	SCOTT,
HOWLAN,	STEVENS,
LACOSTE,	SULLIVAN,
MCINNES (B. C.),	SUTHERLAND, and
MCKAY,	TRUDEL,

be appointed a Committee on Standing Orders and Private Bills, with power to examine and inquire into all such matters and things as may be referred to the said Committee, to report from time to their observations and opinions thereon, and to send for persons, papers and records.

SENATE DEBATES-

Honorable Messrs :

BOLDUC,	MERNER,
CASGRAIN,	POWER,
DEBOUCHERVILLE.	ROSS (de la Duran-
FORTIN,	SCHULTZ, taye),
HAYTHORNE,	SCOTT.
HOWLAN,	THIBAUDEAU,
MCCALLUM,	TRUDEL. and
MCFARLANE,	VIDAL.

be appointed a Committee to inquire into the best means to be adopted to obtain correct reports of the Debates and proceedings of the Senate, and for the publication of the same, and to report from time to time their views to the House.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Thursday, March 1st, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

BEHRING SEA SEIZURES.

INQUIRY.

HON. MR. MACDONALD (B. C.) inquired

Whether any answer has been received to the question submitted in December, 1886, by the Imperial and Dominion Governments to the Government of the United States, viz.: Whether British vessels fishing in the open seas beyond the territorial waters of Alaska would be exposed to seizure, and Her Majesty's Government at the same time would be glad if some assurance could be given that, pending the settlement of the question, no such seizures of British vessels will be made in Behring's Sea.

He said: I do not propose to-day to discuss this question before the House at any length. I merely wish to state that correspondence of a rather voluminous character has taken place on this subject, between September, 1886, and May, 1887. It commenced by the Minutes of the Privy Council of Canada being forwarded to the Imperial authorities and by them transmitted to the British Minister at Washington. It will be seen by that correspondence that the Minister at Washington demanded of the United States Government explanations of the seizures made in Behring Sea, and to all those demands for explanations no reply could be received. The subject was postponed from time to time, so that up to the date of this correspondence in May no definite answer was received as to the claims of the United States in those waters. The Government may possibly be in possession of information after this date, and I therefore ask this question, which is the question put by the Minister at Washington to Mr. Bayard.

HON. MR. ABBOTT—In answer to my hon. friend I would say that there has been a considerable quantity of correspondence on this subject with the United States Government; and that this correspondence is now in course of being printed and will be laid before the House in two or three days. I may say this generally with regard to the purport of the question, that I do not understand that it has ever been contended by the United States Government that they had any right to seize these vessels, or that they had any exclusive rights in Behrings Sea. That has not been contended that I am aware of. The whole correspondence, however, will come down and will show my hon. friend and the House the exact state of the question at present.

ST. VINCENT DE PAUL PENITENTIARY.

MOTION.

HON. MR. BELLEROSE moved

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a copy of letters signed, Jos. H. Bellerose, addressed to the Minister of Justice on the 27th and 28th November, 1887, in connection with the destruction by fire of the property of Mr. Louis Guimond of St. Vincent de Paul; also a copy of the evidence taken in the matter, and of the report made by the Inspector of Penitentiaries after inquiry made and the facts mentioned in the said letters.

HON. MR. ABBOTT—I do not know whether any answers were given to these letters or not, but if they were, I should like my hon. friend to include them in this motion.

HON. MR. BELLEROSE—There was only the ordinary answer that they had received them.

HON. MR. ABBOTT—With that addition I have no objection to the motion.

The motion was agreed to.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

INQUIRY.

HON. MR. HAYTHORNE rose to

call the attention of the House to the irregular delivery of mails in Prince Edward Island since the setting in of winter, and ask the Government whether it is in contemplation to take efficient means to obviate the irregularities complained of.

He said: Those members of this House who have noticed the tenor of the motion standing in my name on the orders will perceive, no doubt, that it has reference to irregularities in the delivery of mails in Prince Edward Island. It has been my duty, on many former occasions, to call the attention of the House to this subject, and I was under the apprehension that I would have to trouble the Senate at very considerable length to-day on the same question, but if I may be allowed to add a few words after the Minister gives his reply to the question, I think it will perhaps be unnecessary for me to make any extended remarks at all. I will therefore resume my seat, reserving to myself the privilege of making any necessary reply after the Minister has spoken.

HON. MR. ABBOTT—In answer to my hon. friend, I would say that the attention of the Government has been directed, not only by himself, but by circumstances, to the difficulties with regard to the regular transmission of mails to the interior from the crossing. It was found that, in consequence of the impossibility of fixing any period during which the transit of the mails could regularly take place, occasionally connection was not made. At one time, up, in fact, to the 16th January last, the regular train from Cape Traverse, which took these mails from the main line to Emerald Junction, left Cape Traverse at 6:30 or 6:45 in the morning. Finding there was a frequent failure to connect, a change was made in the hour of departure, in order to give a longer period of daylight to the boats to get across, and the departure of trains from Cape Traverse was postponed until 11:30, giving nearly five hours' additional time for the boats. It was hoped in that way to avoid the large expense of a special train, to take on the mails when they failed to connect with the regular train over the branch at 6:45. The result of that experiment was that from the 16th of January to the 22nd of February there were twenty-five trips made across the Straits, out of which there were nine failures of connection. One of these failures was remedied, there being some peculiar circumstances about it, by the dispatch of a special train, so that since the 16th January, up to the 22nd of last month, there were eight failures of connection in twenty-five trips. Now this undoubtedly is a grievance, and seeing that the mode which the Government hoped would have served the purpose had not been entirely successful, they have for some time past had it under consideration to make some supplementary arrangement; and I have the pleasure to inform my hon. friend and the House that, from this time out, special instructions will be given whenever the mails fail to reach Cape Traverse within a quarter of an hour or so of the departure of the train (for they are allowed that margin to catch the train), a special train will be despatched to bring the mails from Cape Traverse to the interior. I hope that this will be satisfactory to my hon. friend. I may say that the expense of the special train, which was employed for a couple of years, was very heavy; and it was hoped that without causing great inconvenience to the public, the expense might be avoided, but at present it is plainly impossible to dispense with it altogether. I just wish to mention to my hon. friend that although no doubt the people, being displeased, and naturally so, at not getting their mails, find a great deal of fault with the Government about it, the Government have not been remiss in extending mail facilities to Prince Edward Island. Since Confederation they have opened 119 new post offices in Prince Edward Island, and the miles travelled in the Province increased 240,000 miles: the expenses of the mail service at the time of Confederation in Prince Edward Island amounted to $24,750, and in 1886, the correspond-

ing class of expenses amounted to $77,-537; that is, exclusive of the "*Northern Light*" and another little steamer which is sometimes used there. I merely mention this to show that the Government have not been behind hand, and I trust will not be so considered by the people of Prince Edward Island, in providing mail facilities. The measure which they adopted on the 15th January, in hopes of correcting this difficulty, has not altogether succeeded, but they are prepared to supplement it with special trains whenever there is a failure of connection.

HON. MR. HAYTHORNE -The statement which the hon. Minister has just made to the House in reply to my question is, to a certain extent, satisfactory; at the same time it still leaves the question in an embarassed condition. The attempt to so manipulate the ordinary trains running on that railroad as to meet the uncertain arrival of the mails by steamer can only end in failure. Hon. gentlemen who are familiar with the question must know perfectly well that whether it be by the steamer *Northern Light*, or by the ice-boats which carry the mails and passengers across the Strait, the arrival and departure are and must be in the future, uncertain periods. They depend on the state of the weather, and the state of the ice. Boats may find it impossible to start in the early morning, whereas later in the the course of the day, when the weather clears up, they may be able to make the trip. When the weather is fine, and there is not much ice running, they are likely to start earlier; therefore, it is impossible to so dovetail those two different interests, the one to meet the convenience of the other, that it has been found more satisfactory to have a special train, and not to interfere with the running of the ordinary train. My impression is, that after trying those experiments of altering the departure of the ordinary trains, the Department will find it necessary in the end to fall back on the old system. Two years ago the hon. gentleman's predecessor, as leader of this House, went through the very same experience. He objected to the expense of putting on a special train, and could not see the hardship that was involved in the detention of the mails of the Province for twenty-four hours. But, finding that public opinion was against him on this point, he made the concession of a special train, and, consequently, from that time up to the commencement of this winter there had been no serious complaints. I heard the people of Charlottetown, in fact, admit that during last winter the mails were delivered with a better average regularity during that period than in the summer time; and this was owing to the fact of the mails being met at Cape Traverse by a special train, the mails being also carried down to that point at a late hour of the evening by special train. By that means the merchants of Charlottetown were able to answer their correspondents on the main land on the following day. At present the mails do not leave until the following day. I do not feel that it is necessary for me under the circumstances, the Minister having engaged that a special train shall be ordered on all necessary occasions, to go into all the details of the irregularities which have occurred since the winter set in. I must remind the hon. gentleman that this arrangement at the Straits can only be one of a temporary character, because the navigation of the Northumberland Straits, between Georgetown and Pictou will be resumed in a few weeks; special accommodation will then be required at Georgetown instead of at the capes, and what I believe myself is the one point necessary to make these arrangements work satisfactorily to all parties is this: that the officers of the Dominion Government at the head of the Post Office and at the head of the Dominion affairs down in Prince Edward Island should be given discretionary powers. They are capable men. They are, as far as politics are supposed to go, supporters of the Government, yet they have scarcely any discretion allowed them. I could, if necessary, indicate occasions on which this has been palpably the case. If you desire to have good and efficient officers they must be allowed certain discretionary powers. If they are obliged to appeal to the Department at Ottawa on every trifling occasion, and

are allowed to exercise no discretion, then they cannot as efficiently perform their duties as their capabilities would enable them. I hope that the power of ordering out a special train when necessary will be at once made known to the heads of the Department at Prince Edward Island. The gentleman at one time M. P. who is now Postmaster General and Inspector General of Post Offices for the Province, is a gentleman who has the public confidence in that regard, and up to the present his discretionary power has been so small that he could not order a special train, even supposing that the exigencies of the service demanded it. I should be very glad indeed to hear from the hon. minister that orders shall be at once dispatched that on every special occasion these officers shall be entitled to order out a special train for the conveyance of passengers and mails.

HON. MR. ABBOTT—Of course, hon. gentlemen are quite aware of the uncertainty of the crossing of the Straits; it depends on the state of the weather, on the state of the ice and the state of the tide. There is no difficulty in comprehending the troubles which arise from those facts, and the Government have not attempted to meet them by trying to dovetail the period at which the railways start with the period when the boats arrive, but have postponed the hour of departure from 6.45 a. m., which was a very inconvenient hour, to 11.30 a. m., which gives to the boats 4 or 5 hours of daylight. That train will be fixed as to the hour of its departure, except that the managers are instructed that if boats are in sight they must wait ten or fifteen minutes or so and make use of their discretion in allowing a short margin for the boats to reach land. If the boats do not arrive in the ordinary time a special train will be immediately dispatched to bring on the mails. That is the regulation, and it seems to me to cover the ground entirely. As to the discretionary power which my hon. friend speaks of, I am informed by the Railway Department that Mr. Breckan, or the Postmaster at Georgetown, has had disrcetionary powers all winter to order a train on if necessary and that power was exercised the week before last in connection with a severe snow storm, the mails not having arrived on time. As regards the change which my hon. friend speaks of, it will no doubt be necessary to deal with that on its merits, and, I dare say, if my hon. friend would communicate the facts to me as he did me the honor of doing the other day with reference to this, requiring that the attention of the Postmaster General may be called to it, I have no doubt that satisfactory arrangements will be immediately made with regard to it, and the authority which has been already given to the Postmaster at Georgetown and the Postmaster General will be confirmed immediately so as to render it possible for him to exercise his authority. No discretion will be given to him, but he will receive positive orders to despatch a special train whenever the mails fail to connect.

WHITE DIVORCE BILL.

PETITION READ.

The order of the day having been called.

Reading Petition No. 4, of Mary Matilda White, of the Village of Port Dover, in the Province of Ontario; praying for the passing of an Act to dissolve her marriage with David Crystal White, and that he be directed to convey to her certain real estate in the said village.

HON. MR. McKINDSEY said—I beg leave to withdraw this petition: it was an alternative petition, and I propose when the next order of the day is called to file the affidavits of service that should be filed in this case.

The order was discharged.

The second order of the day having been called,

Reading Petition No. 5, of Mary Matilda White, of the Village of Port Dover, in the Province of Ontario; praying for the passing of an Act to dissolve her marriage with David Crystal White.

HON. MR. McKINDSEY presented to the House the certificate of service of notice on the respondent.

The papers were laid on the table.

HON. MR. McKINDSEY moved that the petition of Mary Matilda White,

praying for the passing of an Act to dissolve her marriage with David Crystal White, be read and received.

The motion was agreed to and the petition was read on a division.

HART DIVORCE BILL.

PETITION READ.

The third order of the day having been called,

Reading Petition of Eleonora Elizabeth Tudor or Hart; praying for the passing of an Act to dissolve her marriage with Frederick Levy Hart.

HON. MR. OGILVIE presented to the House a certificate of service of notice on the respondent.

The papers were laid on the table.

HON. MR. OGILVIE moved that the petition of Eleonora Elizabeth Tudor, praying for an Act to dissolve her marriage with Frederick Levy Hart, be read and received.

The motion was agreed to on a division.

DIVORCE PROCEEDINGS.

COMMITTEE APPOINTED.

The fourth order of the day having been called to resume debate on motion of the hon. Mr. Gowan, viz.:—

"That a Special Committee be appointed to frame new Rules and Orders and forms touching proceedings in divorce, and for regulating the procedure upon applications for divorce before the Senate, and that such Committee shall consist of the hon. Messieurs Abbott, Miller, Scott, Dickey, Pelletier, Power, Macdonald (B. C.), Vidal, Haythorne and the mover."

HON. MR. GOWAN said—As I fear my friends opposite whom I desire to be on this committee are still unwilling to serve, I beg to propose instead of the three names of those who have objected, the names of Hon. Mr. Odell, Hon. Mr. Kaulbach and Hon. Mr. Ogilvie, with the permission of this House.

HON. MR VIDAL—As I intimated when making the motion for the adjournment of this debate, I have no intention whatever of prolonging the discussion. I may be permitted, however, to express the deep sense of obligation which I feel the House ought to entertain to the hon. gentleman from Barrie for the very full and clear manner in which he has stated the reasons which influenced him in presenting this motion to the Senate, and for so fairly proving the necessity for some alteration or amendments in the rules by which the House has heretofore been governed in dealing with this case; and I may at the same time express my deep regret that our honored friends whose names have now been removed from the original motion have not felt it consistent with their view of what is right and proper to allow their names to remain on the committee. More specially do I regret that the hon. gentleman from Richmond has felt it incumbent upon him to decline this duty. His very long experience both in the legal profession and especially in his long Parliamentary experience, have so eminently qualified him to be of great service to this Committee, and I feel it to be a serious loss that the Committee will not be able to avail themselves of his assistance. I presume that he feels it his bounden duty not to serve on the Committee as a member of it, but, although not a member, I trust that we may still have the advantage of his suggestions and long experience in parliamentary practice. I would like to suggest to the hon. gentleman from Barrie the desirability of inserting in his motion the granting of power to this Committee to employ a stenographer. I would be much more convenient to put it into the motion now than to have to come to the House for power after the Committee was appointed.

HON. MR. GOWAN—I thank my hon. friend for the suggestion, and I will be very glad if the House will permit me to insert the words, "with power to employ a shorthand writer."

The motion was agreed to.

ST. VINCENT DE PAUL PENITENTIARY.

DEBATE CONCLUDED.

The Order of the day having been called, to resume debate on motion of the hon. Mr. Bellerose, viz :—

"To draw the attention of the hon. Members of the Senate to the Blue-book intituled: 'Supplementary Report on Penitentiaries for the year ending the 30th June, 1886,' with reference to the troubles at the Penitentiary of St. Vincent de Paul and the various statements and accusations made against him in that book, and will ask the Government what course they propose to adopt in connection with such statements and accusations."

HON. MR. BELLEROSE said—At another time, the commissioners went even so far as to try to make it a crime on the part of the Warden if he should meet or interview his witnesses before he brought them to Court.

At page 141, hon. gentlemen will find the following charge made by the Warden at the close of the enquiry :

"During the enquiry the Commissioners have shown themselves anxious to know from the witnesses on my side whether they had come to me to give me information as to their evidence during this enquiry, or whether I had gone to them for the same object ; also, whether I had received information from them, or whether I had questioned them.

I was surprised at this course followed by the Commissioners, because I had occasion during my lifetime to see or hear lawyers calling on their clients for an interview with their witnesses before they met them in court, but being quite a novice as to enquiry making, I thought that this was not allowed before such courts. I enquired, and was told that there was no such difference, that Dr. Duchesneau having complained to the Inspector presiding at his inquiry that his accuser met the witnesses and inquired of them what they knew on the subject of the inquiry, the Inspector had declined to interfere, stating that he did not see anything wrong, and it could not be prevented. That a few days afterwards the Deputy Minister of Justice (Z. Lash, Esq.,) having come at the Penitentiary had presided over the inquiry with the Inspector ; that Dr. Duchesneau had renewed his objection, when Mr. Lash answered that he had no doubts that the accuser saw his witnesses before he met them in court ; that it was the ordinary practice ; that he himself as a lawyer had never went to court before seeing his witnesses, to be sure what evidence they could give ; that there was nothing wrong in such a course, and it could not be helped."

Allow me to call the particular attention of hon. Senators to the following words of this charge made by the Warden :

"The Commissioners have shown themselves anxious to know from the witnesses on my side—'*on my side*' are words worthy of notice."

If the minutes of the Inspector in the Duchesneau case have been honestly prepared, and if they have not been interfered with since, they will show that this statement of Warden Laviolette is quite in accordance with the facts. I am happy to be in a position to confirm this statement of Warden Laviolette as to the Duchesneau case. I was present all the time this investigation was continued, as the representative of the complainants (four officers of the prison, who had been unjustly dismissed by the Warden, they said). Warden Duchesneau twice made the objections referred to in this Laviolette case—and both the Inspector and the Deputy Minister answered as stated in Mr. Laviolette's remarks, which I have just now cited. So that it seems that when the Inspector's friends were doing his work against Warden Duchesneau, whom he disliked, they were right and he could not interfere, but when the party complaining against his friends is an official whom he dislikes, as is the case with Mr. Laviolette, then he feels it his duty to interfere, and prevent the complaining party, whom he dislikes, making up his case, and allow his friends, who are complained of, to use all means at their disposal to make up theirs.

On the third July the Inspector is reported in the blue book page 139, to have uttered the following words as a reproach to Mr. Laviolette :

"*As it is the duty of the Warden to attend, at least, every third Sunday in the Catholic Chapel, it devolves upon him equally and the Chief Keeper to see that the filthy practice of spitting be not allowed on these Sundays when he is on duty in chapel.*"

To this the Warden answered (See blue book page 139, 140.

I know of no rule by which the Warden's duty is to attend at least once every third Sunday in the Chapel, except the 25th rule which imposes upon the Warden the duty:

25th. "*To see that there is an efficient superintendance of the convicts when attending Divine service in the Chapel and providing that should there be services in both Chapels at the same time, the Warden or Deputy Warden shall be present in one Chapel, and the Deputy Warden or the Chief Keeper in the other.*

The Warden continues:—In this Penitentiary the three first officers are all Catholics, and so none of them have to attend Divine service on Sundays in the Protestant Chapel. One of the Protestant officers is appointed to superintend Protestant convicts in the Protestant Chapel.

The Deputy Warden and the Chief Keeper are each on duty in the Catholic Chapel every second Sunday, *ad turnum*. I have attended Divine service in the Catholic Chapel very nearly every Sunday since my appointment, and though I have always taken the trouble of superintending both officers and convicts in the Chapel, I never considered myself bound to do so by any rules; such would not probably be the case if one of the three officers was a Protestant."

This answer of the Warden, pointing out the rule and showing the Inspector the difference between the Kingston Penitentiary, where two of the head men were Protestants and the third was a Catholic, while at St. Vincent de Paul the three first officers were Catholics, irritated the Inspector, as the reproach he had made turned against him. It showed his determination to injure Warden Laviolette and protect his subalterns. The Inspector thought he ought not to give way, but take a surer course to put down the Warden. He knew that the mass of documents composing the record of the enquiry would never be read, but that his report would be. Having then determined that he would have his revenge, he wrote at the beginning of his report of the enquiry. (See page 182 of blue book).

"*So little was he (the Warden) acquainted with the routine followed at Kingston, and also in the other penitentiaries, that he was obliged to admit, during the enquiry, he was ignorant of the fact that the Warden performed duty every alternate Sunday—a matter which Mr. Laviolette has neglected to do since he entered office, and which he appeared to consider infra dig.*"

In other words the Inspector wrote two false statements in a few lines.

1st. Mr. Laviolette was so well acquainted with the routine followed at Kingston, that he has been able to give a lesson to the Inspector and show him the difference between the two penitentiaries.

2nd. Far from having neglected his duty in this respect, Mr. Laviolette states that not only every second or third Sunday, but that even almost every Sunday since his appointment he was present in the Chapel superintending both officers and convicts.

Let me again refer your honors to page 120, where a note of the Inspector may be seen at the head of a document addressed by the Warden at the time of the enquiry, to both Commissioners. This note is in the following words:—

"The following document which the Warden calls his defense. . . .

"The Warden assumes the functions of the Commissioners, and even of the Minister of Justice in pronouncing upon the merit of the evidence. . . . He decides the whole case, and thereby leaves nothing for the Minister to do in the premises."

The document referred to in this note of the Inspector was fyled at the time of the investigation in 1884, and addressed to both Commissioners. The Inspector, acting then as one of the Commissioners, made his final report after the enquiry, but this document (*the defense of the Warden*) being unanswerable, he made no answer to it; nay, he did not even mention the document. It is only to-day that, having to lay it before Parliament, as ordered by the Senate, on a motion of mine, he feels the danger and tries to remove it, by adding as a heading to the document the note I have just read from the blue-book, page 120. This he did without even the permission or sanction of the chief officer of his department, who is alone responsible to Parliament for such documents. When a member of the Commission in 1884, no doubt he had full power to criticise this document, but to-day, after two years have elapsed, when the Commissioners have made their report, which has even been acted upon over two years ago, and when the Commission no longer exists, what right had the Inspector to add a single word of comment to it? Certainly none—except he felt the absolute necessity of casting discredit on the

document, so that it might not be read, or, if read, it should be read with such prejudice as he tried his best to create in the minds of those reading it. But this can have no other effect than showing his distrust, and the fear he has of the facts therein mentioned being made known.

I was greatly surprised at the reading of such remarks as those contained in this note of the Inspector. To my mind this note alone would be quite sufficient to establish conclusive evidence of the partiality charged against the Inspector in this case of the enquiry of 1884, to any man who might have looked over the records of the Department of Justice. Let me refer your honors to the voluminous record of the late Warden Duchesneau enquiry in 1879. If this record has not been interfered with you will find there a like document fyled by the officers at whose instance the enquiry was ordered against Warden Duchesneau. The Inspector not only approved of the accusers of this officer writing and fyling a plea or defense, but he even wrote for them some few pages to be inserted in this document of theirs. The first words he wrote for them were :

"The inquiry having come to a close, I claim the privilege of fyling with the report of the proceedings my opinion upon the evidence adduced,"

and the last words he wrote at the end of the last page, were :

"I now proceed to examine the evidence *pro* and *con*."

To-day he censures Warden Laviolette for having done so and writes in his report :

"The following which the Warden calls his defense."

"The Warden assumes the functions of the Commissioners and even of the Minister of Justice in pronouncing upon the merits of the evidence adduced. He decides the whole case and thereby leaves nothing for the Minister to do in the premises."

I hold in my hand the few pages so written by the Inspector in the Duchesneau trial. If the hon. leader of the House will allow me, I will send him the four sheets of paper so that he may recognize the handwriting of the Inspector.

(Here Mr. Bellerose sent one of the sheets of paper to Mr. Abbott).

HON. MR. ABBOTT—My hon. friend puts in my hand a sheet of note paper without any date and without any signature, and marked page 2.

HON. MR. BELLEROSE—Had an inquiry been made, this document could have been sworn to as being in the Inspector's handwriting. I know it is his handwriting, because I had it from himself.

HON. MR. ABBOTT—What does my hon. friend want me to do about the matter ?

HON. MR. BELLEROSE—I want to know if the hon. gentleman recognizes the handwriting of the Inspector ?

HON. MR. ABBOTT—No, I never saw the handwriting of the Inspector, to my knowledge, in my life.

HON. MR. BELLEROSE—What is your opinion, hon. gentlemen, as to the course followed by the Inspector ? What is your opinion of the man himself who could do such a thing ? Is he a proper man to be entrusted with any important charge ? Is he a proper man to be entrusted with the dangerous mission of reporting on the state of our Penitentiaries, and on the effectiveness of each member of their Staff ? Who could hold his hand on his heart and say with such evidence before him, that he is sure that the charges which Warden Laviolette has repeatedly made against this official are not true ? Does it not seem in this present instance, that when such documents (a plea or defence) are fyled by his friends against an official with whom the Inspector has no sympathy, as was the case with Warden Duchesneau, then such documents were most acceptable and altogether worthy of consideration, while if it happens that they be fyled against his friends by an official for whom he entertains nothing but a feeling of dislike, as is the case with Mr. Laviolette, then the document is "An injurious encroachment upon the rights of the Minister of Justice etc., etc."

What is your opinion of an official of such high and responsible standing who will allow himself when acting as a

Judge to take in his hands the case of one of the parties to the extent of writing to help him in the struggle?

What is your opinion of a man holding such a responsible office whose opinion, it seems, varies according to the love or to the dislike he may have for the parties he has to deal with? Is he a fit man to be the only channel through which the Government can be made aware of what is going on in our Penitentiaries and of the value and aptitude of the members of their staff?

In order that his report of the enquiry might be favorably considered and that the Minister should have no doubt as to his love for Warden Laviolette, the Inspector begins his report in the following words :

" I regret having to undertake this task, by reason of Mr. Laviolette's strong personal hostility to me, which has manifested itself in many ways, I shall take occasion here to say, that I have given him no grounds for this feeling of enimity."

Those two statements are untrue—I defy the Inspector to cite a single word in the evidence taken during this inquiry corroborating the first assertion, while I maintain there is good evidence of the unreliability of the second statement. Let me give you an instance. A gentleman of high standing was summoned and appeared before the Commissioners. The Inspector cross-examined this witness—who answered on a question of his :

" That he had felt it his duty during the previous session of Parliament to write to Warden Laviolette, ' that he knew of a party in Ottawa working in the dark to injure him."

This answer had a terrible effect on the Inspector. He hesitated, and having recovered, he told the witness to withdraw. All such questions as 'Who is the party?' 'What grounds have you to make such a charge?' were left aside.

It is not necessary for me to add anything more. I leave it to you, hon. gentlemen, to appreciate the course followed by the Inspector and draw the proper conclusion.

III.

I will now take up the report proper of the two Commissioners, (Messrs. Baillargé and Moylan), two very poor documents, I regret to say, as I will presently show. Let me take as evidence of this statement of mine 1st, the case of the Chief Keeper, charged with having come to the prison under the influence of liquor, and 2nd, that of a conspiracy charged against the Deputy Warden, the Chief Keeper and other officers, the two most important charges laid by the Warden.

In referring to the evidence of J. B. Desormeau, Keeper, who gave strong evidence against the Chief Keeper, the Inspector states in his comments, that

This witness gave very conflicting evidence. In his direct examination by the Warden he stated that he only saw the Chief Keeper at closing time, (about 5 p.m.), yet in the cross examination by the Chief Keeper he says that he saw Mr. McCarthy, between 7 and 8 a.m., and about 1:20 p.m.

The evidence of this witness is in no way conflicting.

I hold in my hands an official copy of the manuscript evidence written by the official shorthand writer, out of which I read the following: In direct examination :—

Q. Can you mention the dates of each of those five or six times you have seen the Chief Keeper in that state (under the influence of liquor)?

A. I remember one occasion, it was in the month of February, during the carnival. I recollect that on that day the Warden had to open the prison at noon, the Chief Keeper having come too late, the Deputy being absent at the time on the day in question.

Q. Do you know if he passed the afternoon at his duty?

A. I only saw him in the evening, at closing time.

Q. Do you not know if he absented himself?

A. No, sir.

Cross-Examined by the Chief Keeper.

Q. What hour of the day was it when you saw me in that state, on the sixth or seventh of February?

A. In the first place, in the morning, and then twenty minutes after one o'clock.

Q. At what hour of the morning was it?

A. Between half past seven and eight o'clock.

Where is the conflict? Is it not clear that the witness swears, 1st, that he saw the chief at noon, but after the prison had been opened by the Warden, viz., at 20 minutes past one, as he states later (the prison opens at one p.m.);

then 2nd, in the morning, and 3rd, in the evening, at closing time.

If the evidence is not clear, whose fault is it, if not the Commissioner's? Did they do this maliciously to have occasion to make such comments as would please them? It looks so.

The Inspector continues:

"He also swore, three times, distinctly, that he was not nearer than seven or eight feet to the Chief Keeper, when in his office, but, when pushed about his being able to detect the smell of liquor at that distance, he says, 'we were almost touching one another."

Not so, let us see the official report of the evidence.

Q. On all those occasions was the Chief keeper much in liquor and did he appear to be conscious of his position?

A. He was not able to do his duty—I happened to go sometimes into his office to get tobacco for the convicts and found him asleep in his chair. I found him so two or three times. On the other occasions he was in his office but not a sleep.

CROSS EXAMINED BY CHIEF KEEPER.

Q. How near did you come to me (in my office.)

A. Seven on eight feet.

Q. Was that the nearest?

A. Yes.

Q. Was I much under the influence of liquor?

A. You smelt strongly of liquor each time.

Q. Do you swear positively that I was much under the influence of liquor by smelling the odour of liquor from me at a distance of seven on eight feet?

A. When you handed me the tobacco, we were almost touching one another.

I admit that in the first place I stated that I never came nearer to you than 7 or 8 feet, but my intention was to say that before you got up and approached me with the tobacco. I always spoke to you at that distance. It slipped from my memory to mention the fact at the beginning. You spoke to me after giving me the tobacco or in giving me the tobacco."

Where is the conflicting evidence? I fail to see. Desormeau never went nearer to the Chief Keeper than seven or eight feet, but the Chief Keeper went to him to give him tobacco.

Then the Inspector puts the following question to this witness (Desormeau).

Q. Do you know that you have a pretty bad reputation as to telling the truth?

A. No Sir.

Let me mention that Keeper Desormeau is an old officer of the Government of over twenty years standing. It is rather late for the honest Inspector to find him so bad now that he has determined to have him dismissed.

A few years ago the Inspector wrote that Desormeau and other officers of the Penitentiary "were a body of men worthy of the protection and confidence of the Department."

At the time Desormeau gave evidence against the then Warden whom the Inspector disliked. To-day Desormeau is also found on the Warden's side but the Inspector is on the other. This no doubt explains why Desormeau, so good before, is now so bad.

Let me now take Mr. Baillargé's report I read at pages 208 and 209:

I will first consider the evidence of Keeper Desormeau.

He swore that he saw the Chief Keeper five or six times under the influence of liquor inside the walls of the prison; but he cannot recollect any dates nor any specified time, with the exception of one which he places between the 6th and 7th of last February. He states that he saw him in the morning, between the hours of seven and eight, in the passage, and again at 1.20 in the afternoon, when the Chief Keeper could barely walk. He adds that the gangs of convicts were then at work, and, further, that the Deputy called the roll that morning and that the Chief Keeper was absent.

The statements of this witness disclose one inaccuracy and one impossibility;—the former is that the Deputy being absent on leave, on the day which the Chief Keeper was said to have been under the influence of liquor, could not on that day have called the roll, as stated by Desormeau; and we have the declaration of the Deputy himself that he was on leave on that day."

Not so. The Deputy having been absent but one day and the witness having sworn that he could not specify the day, that it was at the time of the Carnival, about the 6th or 7th February, that the Chief Keeper was under the influence of liquor and that the Deputy had called the roll. Mr. Baillargé could not draw the conclusion he has drawn. There is no inaccuracy in the statements made by the witness.

Moreover it happens frequently that officials absenting themselves are present at the opening and leave even so late as after mid-day.

Mr. Baillargé continues:-

"The latter (one impossibility) consists in the fact that the evidence proves that Desormeau was, on the day he alluded to, in charge of a gang working outside the walls of the prison, and that he moreover states the gangs were all out when he saw the Chief Keeper; consequently he could not possibly have been outside and inside the wall the sam time."

I beg Mr. Baillargés pardon, the witness having been asked by the Chief Keeper—

"Q. At what hour of the morning was it? What was I doing?

A. Between half past seven and eight o'clock I saw you in the passage, leading to the outdoor of the yard. I met you as you were coming in and I was going out of the passage at twenty or twenty-five minutes past one o'clock in the afternoon."

Again it happens that those officers are called in or they have to go elsewhere and be replaced. Would it not have been more honest to put some question in this direction, rather than draw a conclusion which does not follow from the answers of the witness?

Mr. Baillargé adds

"That, on one occasion he (witness, Desormeau), went to the Chief Keeper's office and found him asleep under the influence of liquor, and the proof he gives is that his breath smelt of liquor. In order to notice it, he must have gone very close to the Chief Keeper; but he states in one part of his evidence that he did not go nearer to him than seven or eight feet, and he afterwards states that he went near enough to touch him.

This shows that his evidence is self-destructive and cannot be depended upon in this matter.

There is certainly no conflicting evidence. Desormeau swore that he never went nearer than seven or eight feet, but that the Chief Keeper went quite close to him to give him the tobacco, and that then he smelt the odor of liquor.

Mr. Baillargé concludes:—

"Two other witnesses, ex-Guard Demers and Keeper Joseph Demers, declared they had seen the Chief Keeper in liquor, and although not naming the day, appeared clearly to refer to the 6th of February, during carnival time, as stated by Desormeau.

The roster and night duty book show that both the Demers' were on night duty on the night of the 5th of February, and were on rest the next day. It is nowhere shown in these books that they were assigned any duties on the 6th, so that it is highly improbable that they noticed the occurrence on the morning of the 6th to which the evidence points."

Because the two Demers were on night duty on the 5th, it does not follow that they did not notice the occurrence on the morning of the 6th. On the contrary, the probability is that they did. They could not leave in the morning before the opening of the prison, when all the officers were in, and they had been replaced. They then must have met the head officers of the institution making the morning arrangements.

In another place in the same report (page 179), Mr. Moylan states that witness "Durocher makes a conflicting statement to Lesages. He tells, 'he says,' that the vomiting took place in the wood-box in the Keeper's hall, while Durocher swore that the Chief Keeper had vomited outside the front door."

Mr. Moylan is wrong, there is no conflict between the two statements. I will give their evidence, as reported by the short-hand writer

To witness Durocher the question is put:—

Q. In what state did you find the Chief Keeper?

He answers:—

He seemed to me to be sick and tired. His face was worn out. In going out from the Keeper's Hall to the yard, and in passing by the wood box in the Keeper's Hall, he vomited a mout ul in the wood box.

To witness Lesage:—

Q. Did you notice on those occasions on which you say the Chief Keeper was on the spree any facts connected with his state in particular?

A. One morning in particular I noticed the Chief Keeper under the influence of liquor, sick and he was obliged to go out of the prison.

Q. Did he on that occasion go home or come back to the prison?

A. He went out at the entrance door and vomited there and then he came in again and afterwards went to his breakfast.

Now, where is the conflict? Durocher speaks of the Chief Keeper going out from the keeper's hall, into the yard, while Lesage mentions quite another fact, that of the Chief Keeper going out through the entrance or front door. Two

very different facts. But even if they had both asserted that the Chief had gone out but once and by the same door even then Commissioner Moylan was not justified in drawing the conclusion he has drawn. Surely any individual so sick may leave a room to go out for the purpose mentioned and vomit one mouthful before he could reach the door especially when he has to pass two or three appartments as is the case in this instance and, having gone out, continue vomiting.

Again, Mr. Baillargé remarks that witness, Messenger Lefebvre being recalled, said :

"That he did not see the Chief Keeper holding his handkerchief to his mouth; that he did not hear him vomit on the steps; that the Chief Keeper went home after having gone out, and did not return : also, that he was in a better position than Lesage to see, as the latter was between the inside doors."

While Guard Lesage stated that the Chief Keeper

"Held his handkerchief to his mouth as he was passing by him, vomited when on the doorsteps outside, and re-entered; that his retching or efforts to vomit were loud enough to be heard, and that he told Warden of the matter a few weeks afterwards."

It is not at all extraordinary that Lesage heard what the Door Keeper did not hear. The last officer had four doors to attend to, one on each of the four sides of the small apartment (eight by nine feet square) of which he was the guardian. The entrance door, the door opposite leading to the inside of the prison and into the yard, on the right side the door to the Warden's office and on the left the door leading to the Accountant's office. This officer is continually at work to let ins and outs pass and often is called to the door of the other office to received orders for messages. It is then most probable that having to attend to so many duties he may have seen the Chief going out and not remark what Lesage who was idle, waiting for orders, swears was the case? Both being amongst the most respectable men in the prison is their evidence to be set aside for such a reason? Lesage was between the inside doors it is true but quite near to the door where doorkeeper Lefebvre was then doing duty two or three feet between the two. Then why did not the Commissioners ask whether Mr. Lefebvre was not sent on a message shortly after the Chief had gone out and whether for a certain time another officer had not done his work, when the Chief had re-entered the prison? No, it seems those Commissioners first duty was to find the whole of the evidence defective. If so I admit they have done their best though, I am bound to say, they used very lame arguments in connection with the evidence as they willingly left it uncompleted to such an extent that they had to add many links to it.

I will now take the other charge, that of conspiracy. I open the official report of the evidence and I read :

Storekeeper Lamarche, having taken the oath, was examined as follows :—

By the Inspector.

"Q. What object had you in view in mentioning that to the Warden (Mr. Ouimet's statement to the witness that he desired to become Warden ?)

"A. I had no object.

"Q. Did you do it to give the Warden to understand that Mr. Ouimet had the ambition to step into his shoes; was that the object you had in view?

"A. No, but I knew he wanted to be Warden.

"Q. Then you had no object in telling the Warden of it?

"A. I knew that he wanted to be Warden, and as I knew that the Warden had some difficulties with the Deputy, I told him of it. I knew that the Warden was on bad terms with the Deputy, and he asked me for information and I gave it to him.

Q. How did you know this state of feelings?

A. All the officers spoke of it. That creates a bad feeling amongst the officers; they do not know which way it will go.

Q. Have you made up your mind or come to any decision as to who is right or wrong in this matter?

A. Yes, I considered it my duty to hold by the authority of the institution, to help as much as I could the Warden.

Q. What did you see wrong?

A. By the evidence I have just given, I may say there was something wrong with the Deputy. I refer to facts in 1881, and all the facts I have just enumerated. I saw some officers go very often into the Chief Keeper's office. I saw some officers, amongst whom was Mr. Ouimet, going into the office of Public Works. I could not swear that they had a conspiracy.

EDMOND DUROCHER,

Guard, Sworn :

Q. Did you hear the Deputy (Mr. Ouimet) making any unbecoming remarks ?

A. Yes. During one of his visits, the Deputy asked the Instructor, (Taylor) if he had commenced to make the officers uniforms. He was told no. Make haste, said he, that I may have a new suit before I am dismissed. Later on, he told the Instructor. "I won't be dismissed this year. I will remain a year longer here." The convicts heard these remarks. The Deputy told me and two others to report everything: if he(the Warden) does not do his duty it would be found out later. I inquired from the Deputy asking him if it was perfect silence that was required and the Deputy said, it was not, that it was impossible. Rule 276 enacts: "Every officer shall see that the silence system is strictly carried out."

Q. Have you remarked any private interviews between the Deputy and other officers while on duty.

A. Besides what I have stated, I have often seen the Deputy with the Chief Keeper and Mr. Devlin, two at a time in the yard. These interviews were held in the day time in Mr. Ouimet's and the Chief Keeper's office. Five or six meetings I spoke of were held by Mr. McCarthy and the Deputy in the back passage. The meetings in the yard occurred thirty or forty times in ten or twelve months.

I know that there exists a disagreement between the Warden and Deputy. I firmly believe there was a conspiracy against the Warden. I swear positively that the declaration written by convicts before the enquiry into the charges preferred against me by the Deputy, were false. Rule 282 enacts :

"No officer shall take the statement of one convict against another convict, on which to make a report for punishment."

I should think that *a fortiori* he should not take the statement of a convict against an officer reporting him for punishment.

Q. What was the object of those officers procuring them ?

A. It was to hurt the Warden. Had the Deputy succeeded in making his proof of those declarations, the Warden would have been compromised.

One day Mr. Béland asked me "Do you make use of those little plattorms ?" I said not yet, but would use them soon. In reply he said : "Those platforms will go with the rest." I understood by that, that he alluded to some work by the Warden which he considered useless.

Q. On what do you base your opinion that there was a conspiracy against the Warden ?

A. By the different means used by the Deputy and Chief Keeper, and by the enquiry against me, which was more or less directed against the Warden, as also the meetings I have stated.

CROSS EXAMINED BY THE INSPECTOR.

Q. Did you conclude that there was something wrong passing in those private conversations held between the tailor inspector and the Warden ?

A. I did not hear the conversation, but I thought at the time there was something wrong.

Q. What did you think was wrong ?

A. After all the reports I thought there was something going wrong against the Warden. Those con sations were held all last spring. ver

Q. What motive had the Deputy in conspiring ?

A. I have no other ground than what I stated before, in relation to the enquiry against me and those meetings and the negligence with which the Deputy performed his duties showed me there was an intention to injure the Warden.

Q. What motive had Mr. Béland to conspire against the Warden ?

A. I cannot say, but he is against the Warden, because he thinks the Warden is the chief cause of Father Leclerc's having left.

Guard J. B. Desormeau, sworn ; questioned by the Warden.

Q. Have you remarked that for the last nine or ten months there has not been a proper *entente cordiale* between the superior officers of the penitentiary ?

A. Yes. There have been also frequent meetings between the Deputy and other officers, sometimes as much as twice a day.

Q. Has the Deputy always obeyed my orders ?

A. No. The Deputy has neglected for some time past his duties as to improvements and details of all sorts as he used to do previous thereto. Once a convict did not wish to work. I asked the Deputy what I was to do with him. He made no answer. The Deputy stayed sometimes so long as 45 minutes or an hour in Mr. Beland's office. Those visits took place about three or four times a week.

CROSS-EXAMINED BY THE DEPUTY-WARDEN.

Q. Were those meetings held in the yard and elsewhere, pre-arranged ?

A. Yes, because it was always the same persons, Messrs. M. McCarthy, Devlin, Dagneault and Beland. I do not know what passed at those meetings, but there was a conspiracy, I cannot give facts. At the approach of the Warden you would separate. An order was given by the Warden against such meetings. In my opinion, the object of those meetings was what it has led to, namely, the present enquiry. This conspiracy began about ten or twelve months ago. The Deputy had no trouble with the Warden until last fall. The Warden stated to you the (Deputy), and the Chief Keeper, in my hearing, that there must be an end to those meetings.

Q. State in what way I refused to support the Warden ?

A. Because of your being careless in performing your duties. In consequence of your neglect, the Warden was obliged to make visits which should have been made by you, both day and night.

Q. Do I salute the Warden whenever I meet him ?

A. Very often when you meet the Warden you simply raise your cane—at other times you give some sign of a salute. Every time I (witness) met you I saluted you. You never acknowledged me.

Rule 262 enacts : " All officers shall salute one another when meeting or passing when off duty."

It occurred so often that you did not attend to the opening of the prison. I did not keep the number of times.

Q. What passed at those meetings ?

A. I never heard anything, but from their way of acting I knew they were conspiring against the Warden ?

CROSS-EXAMINED BY THE INSPECTOR.

Mr. Beland conspired against the Warden. M. Dagneault also. I saw him assembled with the others. I told the Warden that I perceived that the Deputy and the other officers whom I have spoken of, used to meet together and that it looked bad. I mentioned Devlin and the Chief Keeper.

Q. Could not those men meet together through the day without plotting any evil or mischief to the Warden ?

A. The law forbids officers to meet and talk except for matters concerning their duty. I came to the conclusion that they met to plot against the Warden, because they refused to obey the orders of the Warden and neglected their duties. When they met, they talked to convicts and held bad conversation with them.

BY THE WARDEN.

Witness answers :

The Deputy said to Mr. Beland that you busied yourself too much about small things and that you neglected other matters. I heard Mr Beland declaring he was against the Warden. Several convicts told me that those meetings were hostile to the Warden, and that the men who composed them were hostile to the Warden.

Storekeeper Lamarche recalled, questioned by the Warden :

Q. Did Father Leclerc endeavour to exert undue influence upon the officers ?

A. I cannot say for all the officers, but I know that in my case he did. I used to ask advice from him, but I discontinued to do so, on account of his hostility to the Warden.

Q. Is it to your knowledge that Rev. Father Leclerc was feared by most of the officers ?

A. Yes. Several officers complained of that. I cannot say that Father Leclerc had lost the confidence of the officers generally, but he has lost my own. Several officers told me they had lost confidence. I do not think that Father Leclerc contributed to the welfare of the institution.

CROSS-EXAMINED BY THE INSPECTOR.

I consider that Father Leclerc in taking the authority of the Warden did no good to the institution.

Warden Laviolette duly sworn and examined :

BY THE INSPECTOR.

Q. When did you first learn or discover that a conspiracy existed against you ?

A. Well, some time in the fall of 1883, though I must state that for a year past it had struck me that the Deputy and the Chief Keeper, and particularly the Deputy, were not zealous in the discharge of their duties. Later on, very likely in September or October (1883), the Deputy met often with some of the officers that have been named, such as the Chief Keeper, Messrs. Devlin, Kenny, etc., and at last it struck me that their meetings could not have been for business connected with the institution, as they were so frequent and appeared to me to have a private character. By their manners I noticed that at different times. This was about September, 1883.

Q. Would not the Deputy's duties require him to go to the Chief Keeper's office frequently ?

A. Not at that time of the day. Even convicts noticed those meetings between the Deputy and Mr. Kenny.

I have not sufficient facts to say that the Deputy's intention was to step into my boots. Before I was appointed Warden, I knew the Deputy had some notions and took steps to be appointed, and later on, it was only last fall, I was informed that some propositions had been made, not to put me out, but to have me transferred to some other position and to have the Deputy put in my place.

Q. Are we to attribute this motive to him ?

A. I would not go so far, but from the evidence of a couple of witnesses, I think the Deputy had such a motive. I am pretty sure that for some months past, the Deputy has had in his mind that he had no responsibility, that all responsibility rested with the Warden and that if anything went wrong, the Warden was to bear the consequences. The lack of zeal manifested by the Deputy in fulfilling his duties led me to such a conclusion. I issued on the 7th July, 1883, the following order :

" It is quite contrary to the rules of good order and dicipline for officers to hold conversation among themselves, besides being of pernicious example to convicts."

Q. Have you observed that no more testimony in the direction of a conspiracy has been obtained from your own witnesses than the mere fact of those officers being seen talking together from time to time ?

A. Well I claim that a conspiracy could be proven before the Courts by circumstances in connection with facts asked of the witnesses. I do not mean to say that suspicion is enough, but I mean that the interviews of those officers and their remarks and gestures are enough to prove it.

Q. Why have you not dismissed those officers or suspended them?

A. I delayed and put it off because I thought I was not properly supported by the Inspector, under my oath, for a considerable time past. The Inspector has not given me his sympathy.

(*See page 1056, 1057, 1058 and 1059 of the manuscript evidence kept at the office of the Clerk of the Senate.*)

To this sworn statement of Warden Laviolette, the Inspector answered :

"The Inspector states emphatically that this assertion is thoroughly false and groundless . . . . and that the authorities in the Department of Justice . . . are in a position to know that what I now state is true and I am a man in the habit of telling the truth."

What I have already shown, with what I will have occasion to state and establish before I resume my seat, will no doubt, change that opinion of the authorities of the Department, if they have allowed themselves to be so deceived, except they have determined to stand so deceived.

However, to prevent all misundering, let me tell them, hon. gentlemen, from my seat in this House, that I positively affirm that the statement of Warden Laviolette as to the Inspector's hostility is true, and that I am ready to swear to it. If the Inspector spoke the words he believed to be true, would he have done so much to prevent a searching investigation?

Another witness, H. Demars, having taken the oath, states :

"On one occasion I was unpiling sheet iron in the room adjoining the office of the Clerk of Works (Mr. Béland), and I overheard the Deputy criticizing an order or a requisition from the Warden respecting iron lining to be placed in the cells, and the construction of small platforms in the dormitories. On another occasion I heard Engineer Devlin speaking of a requisition granted by the Deputy after its refusal by the Warden; and moreover I heard the latter criticizing the Warden's action respecting men wanted in the brickyard.

"I was pretty intimate with Father Leclerc, Chaplain. I often went out with him driving or walking. We sometimes spoke of Penitentiary affairs. We spoke about the Warden. He said to me once he thought the Warden was an honest man, but that he thought Mr. Laviolette was not a man for conducting the Penitentiary, that the Warden allowed himself too much to be led by Mr. Ouimet, and that he did not take his advice or that of the Inspector. On two different occasions the Chaplain said to me that if the Warden remained here two years more he would ruin himself. When the first annual report for 1881-82 of the Inspector as well as his own came to the Penitentiary, he (the Chaplain) said that neither of the reports would do the Warden any good. The Chaplain asked me if the officers had passed any remarks in reference to his report. On two occasions he recalled the fact that the Warden had boasted of having made great economy in Mr. Dequoy's department, and said, 'What is all this fuss about? The Warden has spent some $5,000 more than the Government has voted him.' The Chaplain said that his report would injure the Warden; but that it was the Warden's fault he did not ask his advice."

Mr. Baillargé remarks in his report (page 192 of the blue book) as to the first part of Demers' evidence :

"That this, portion of his evidence, is defective, inasmuch as he fails to explain whether the criticisms of the Deputy were couched in offensive language towards the Warden, or of a nature to undermine his authority."

Whose fault if defective? The Commissioners and no others. Why did they not elucidate when cross-examining, as they did in other instances. But this was not necessary. The very fact that those officers met privately in violation of the rules and of the general order given by the Warden, is a presumption that they did so in a hostile spirit to the Warden. Does not also such a criticism show the absence of that *esprit de corps* which is essential to the good working of such institutions?

Messrs. Tache and Miall say in their report after the enquiry in 1879 into the administration of this same prison.

"We think it our duty to mention an occurrence which took place some time ago, in which three or four under officers allowed themselves, as it were, to be misled into a sort of conspiracy against one of the superior officers. . . . We could not pass by the incident unnoticed, or without recording our condemnation of an offence which, being in itself a great moral wrong, showed at the same time, on the part of the wrongdoers, a total want of the *esprit de corps* which should animate a body of men who, above all others, have to rely, sometimes in the face of great perils, upon

the honest dealings towards and generous help of each other. . . We doubt the wisdom of retaining in position men who had proved themselves so utterly recreant to even the commonest decencies of social intercourse."

In my opinion this appreciation of Messrs. Taché and Miall is more worthy of men who deal with such subjects than are the commentaries of our commissioners.

Inspector Moylan himself concludes his lame arguments against the Warden by the following (see page 189):—

"I will not question for a moment his good intentions in all he did, but I venture to say those good intentions were very often misdirected, to the injury of good order and discipline among employés and convicts, and to the destruction of that confidence, good-will and *esprit de corps* which should exist between all the members of the staff, including the Warden himself."

I may use the same argument and say that—

"Whatever may have been the conversation of those officers meeting in violation of the rules and of the orders of the commanding officer of the p ison, whatever may have been the nature of their criticism, their conduct led to the injury of good order and discipline among employés and convicts, and to the destruction of that confidence, good-will and *esprit de corps* which should exist between all the members of the staff."

I am surprised Mr. Baillargé did not see this.

This same Commissioner (Inspector Moylan), commenting on the evidence, says:

"The Warden's evidence was quite immaterial as it did not prove anything, and the same may be said of the statements made by Lamarche, Mazurette, Desormeau, Demers and Durocher."

I have given you the evidence of those very men. I leave it to you to judge this appreciation of the Inspector which seems to be the very opposite to what the evidence shows. The Inspector adds:

"The witnesses examined by the Deputy testify very clearly to the non-existence of a conspiracy. Some of them, viz., Messrs. Belland, McCarthy, Lynch. Blain and Kenny, had far better opportunities of knowing whether a plot had been hatching than the five who swore to the fact."

No doubt those men who are complained of as having conspired, and of having held meetings in violation of the rules and of the orders given by the Warden, do not believe and will not admit that they did wrong. But why did not the Inspector do as he did with so much zeal, when dealing with the Warden's witnesses? Why did he not put such questions as: Did you or did you not criticize the Warden in such and such words sworn to by witnesses Desormeau, Durocher, Demers? True, one of those witnesses, on the Deputy's side, (Mr. Béland) swore:

"If witnesses stated, on this enquiry, that certain officers met in my office for the purpose of conspiring against the Warden, they did not tell the truth, and I would tell them to their face they were liars."

But this general answer contradicts in no way such special evidence as that given by the witnesses on the Warden's side, such as the evidence of Hector Demers who swears he

noticed the Deputy meeting other officers at his office, or at the Chief Keeper's, or at Mr. Belland's store, or even in the yard, and having long conversation for ten or twelve months. Those meetings were held with a view of criticizing the conduct of the Warden. On one occasion he heard them speaking of the Warden's administration, not favorably. They spoke about those platforms and ladders in the wings, the making of which was stopped. He concludes from those meetings, and all the circumstances attending them, that it was a conspiracy organized to ruin the Warden. The Warden spoke to him about the conspiracy after he had told him it had been organized to ruin him."

or of Guard Durocher who swears:—

"That private meetings have taken place. There is a conspiracy.—This opinion is based on the fact of those illegal meetings creating a suspicion in his mind, and also on the remarks made to him by Mr. Beland against the Warden. In his opinion it is treason for an officer to criticize before convicts the Warden's conduct.

Mr. Beland may not find this conspiring against the Warden, but he is charged with the offence and it is for his judges to appreciate the circumstances sworn to by the different witnesses who gave evidence. His swearing that he did not conspire is no evidence against the circumstantial evidence given on the Warden's side.

Then comes the charge of disrespectful remarks on the Warden. As to this charge which the Commissioners affirm

is not proven, one of the Commissioners has the following at page 201.

4th. With reference to the charge of disrespectful remarks on the Warden, although there has evidently been a want of courtesy, the words quoted by the Warden in his factum of charges, do not appear to be of a grave nature.

The mere fact of telling the tailor, for instance, "to hasten to make his suit of clothes, prior to his dismissal," and of stating "that he was good for another year," is not one of marked disrespect.

The statement that the Deputy said "that the Warden or himself must go" was the subject of much contradictory evidence, but it appears to have been proven that although attributed to the Deputy, the words were uttered by Léon Oumiet, one of his relatives and not by him.

The using of the Warden's name without the prefix of Mr. although far from courteous, cannot be accounted such a great fault as to have been made part of a subject for a grave charge.

It is stated by Steward Mazurette, that the Deputy, criticised the Warden's leniency but not his other acts.

Joseph Demers and Gauthier state that he criticised some work ordered by the Warden, but no elucidation is made of terms in which the criticisms were couched; supposing however that they were couched in modern language, such criticisms on matters important or unimportant, whether merited or not, were disrespectful towards the Warden and contrary to discipline, especially when made in the presence of subalterns.

Under the circumstances stated however, the criticisms elucidated by the evidence would hardly appear grave enough to be given as a reason for demanding the Deputy's dismissal.

Think of one of the first officers of the prison, the Deputy-Warden entering on an official visit as established by witnesses during the enquiry, the tailor's shop, where 20 or 30 convicts are at work, and addressing the Instructor, laughing at the Warden, defying him, alluding to him without the prefix Mr., in violation of Rules 265 and 266, enacting that:

265. No officer shall hold any conversation with another officer in presence of a convict, except in relation to work then in hand.

266. No officer shall speak to another officer, by way of censure, or finding fault in the hearing of convicts, etc."

And then think of the Commissioners reporting that this is not a mark of disrespect, that it is not a grave offence, that it could not injure the Warden's authority, that the breaking of the rules was no bad example given to convicts and officers and that consequently it would not injure the discipline of the prison. I am sure there is not an hon. Senator in this House who will not say that this is not only a very great offence, destructive of the good working of such an institution, but that it is also a strong circumstantial evidence of the existence of the conspiracy complained of by the Warden.

The next charges against the two first subalterns are: 1st, that of long absence for meals (page 202); 2nd, that of absence without leave (page 202), in violation of rules 45 and 46: charges which the Commissioners admit were established.

Let me add that these charges so proven are also corroborative evidence of a conspiracy. Does it not show a disregard of his duties on the part of the officer doing so, and his determination to injure the administration? Rule 274 enacts:

"274. Every officer is enjoined to bear in mind that the affairs of the Penitentiary cannot be efficiently carried on by the Warden, nor discipline properly maintained, if any officer is guilty of a neglect or disregard of his duty."

In defiance of such conclusive evidence, the two Commissioners took the responsibility of concluding their reports in the following words:

The Inspector—"I do not consider the charge of conspiracy in any way borne out by the testimony taken before the Commissioners, and therefore I recommend that it be dismissed." (Page 157.)

Mr. Baillargé—"This charge (conspiracy) in my opinion has not been substantiated by the evidence produced." (Page 192.)

Then both Commissioners paid a compliment to the Warden, one of them in the following words (Mr. Baillargé):

"It was highly injudicious on his part to bring forward against his chief assistants such charges, which he could not prove." (Page 219.)

The other (the Inspector):

"His (Mr. Laviolette's) sense of justice and veracity, as manifested in his treatment of the Deputy Warden and Chief Keeper, appears to be greatly at fault." (Page 189.)

It seems to me that the only parties who deserved such bad compliments were the very men who wrote them.

It was surely most injudicious on the part of Mr. Baillargé to appreciate the evidence taken in the way I have proven he did, and after being so wrong to have indulged in such an attack upon the Warden, while the sense of justice and veracity of the Inspector (judge in his own case), as manifested in the different documents I have alluded to, but particulary in the whole of his conduct towards Mr. Laviolette, as shown, is evidently at fault, to say the least.

On the contrary, the conclusion arrived at by the Warden on this very same charge (conspiracy), is most judicious. It is found in his defence at page 122 of the blue book, and is in the following words :

"The first charge, the conspiracy of the Deputy Warden and others, I have fully proven.

If I open a dictionary, I find that *to conspire*, means to agree together, to plot, to contrive, etc., etc.

I have proven that for some time past the Deputy Warden, the Chief Keeper, and some four or five other employees in the penitentiary, had, by their system of criticizing the Warden, as also his administration, and by their hostile conversations or remarks, tried to ruin his authority, diminish his prestige, annihilate his efforts to make the institution progress, prosper, and disaffected as they were towards the Chief Executive Officer, made bad impressions, by their misbehavior, upon the prisoners and the members of the staff.

(These two or three last lines I copy from the Annual Report of the Inspector, 1881-82, folio 22, wherein he uses them to justify my predecessor, Mr. Mackay, for his poor success in the administration of this penitentiary).

The charge is sustained by a good number of witnesses, among whom Hector Demers, Gauthier, Osborne, Desormeau, Durocher and some others.

This hostility of the Deputy Warden and others having been well established by the evidence of those witnesses, and also that very often they had left their posts, neglected their duties and broken the rules, as also my orders to withdraw and meet together, and so have an opportunity of speaking one to another in secrecy.

This evidence is somewhat stronger than the evidence which our courts require to pass judgment on conspirators.

Burns, which it cannot be denied is a good authority, *verbo* conspiracy, says :—

"In a prosecution for a conspiracy, the actual fact of conspiring need not be proven, but it may be inferred from circumstances and the concurrent conduct of the defendants."

No doubt the Inspector entertained those views when he gave to Mr. Mackay, acting Warden, before he took office, the following advice, which I find mentioned in his Annual Report for 1881-82, in the following terms :—

"*Though it was well known to Mr. Mackay that this organization among a portion of the officers unfriendly to him existed, yet their proceedings were so well and secretly arranged and carried out that sufficient evidence to establish guilty complicity could not be obtained. Advised by the Inspector to dismiss those whom he had good reason for supposing were in league against him, the acting Warden did not wish to take this course lest his action might be imputed solely to personal motives and not to a desire on his part to improve the efficiency and morale of the staff.*"

"*No doubt he would have taken a different course had he known that the duties and responsibility would have rested upon his shoulders for so long a period.*"

Why was Inspector Moylan so liberal with Mr. Mackay, and so illiberal and so severe, and even so unjust with Mr. Laviolette ?

No doubt it was his great *love* for the latter, and his *enmity* to the former. *O Tempora ! O Mores !*"

The importance of the charge of conspiracy imposes upon me the duty of making, before I pass to another subject, a recapitulation of what is shown to be the case.

The charge itself is that the Deputy Warden, the Chief Keeper and some four or five other officials entered into a conspiracy against Warden Laviolette, and that the annual report of the Inspector and of his friend the Chaplain for the year beginning on the first of July, 1881, and ending on the thirteenth June, 1882, were the causes of the trouble.

The report of the Chaplain is dated on the (*no date*) day of December, 1882, and that of the Inspector on the 31st of January, 1883. Before they were printed it took some time. I have shown that the very day they were distributed to members during the Session of 1883, in February or March, the Inspector came to me in the lobby of the Senate and asked for my opinion on his report. He never had done such a thing before. No doubt as we were quite intimate he was anxious to know whether or not I would follow him in this crusade against the Warden. I read the report and wrote

to him that I disapproved of it I also went to the Chaplain who had generally read his reports to me before handing them to the Warden, but who had not shown this particular one, and I told him I disapproved of his also and that though intimate with them I felt I would have to oppose them should their reports bring trouble in the prison. Later the reports having been distributed throughout the Dominion, both officers and convicts were made aware of their contents. At this time the penitentiary was in good working order. Mr. Creighton having received instructions from the Minister of Justice to visit their prison and report, did visit, on the third July, 1883, the institution and made his report wherein he states :

"I visited the various departments of the institution within the walls.—I found the cells clean and everything in good order. The discipline of the Institution was also good, in many respects better than that at Kingston."

Chief Keeper McCarthy, one of the officers charged with being one of the conspirators, was forced to acknowledge in his evidence that—

"Up to the fall of 1883 he was satisfied with the discipline, and that at times it was better than at Kingston."

Now, hon. gentlemen, let us review the evidence adduced by the Warden on the charge of conspiracy. Every one of the witnesses to whom the question was put, swore that the private meetings of such officers as were charged with conspiracy were held during the ten or twelve months preceding the enquiry. This investigation began at the end of June, 1884, so that ten months before would give the end of August, 1883, as the time or date, according to the evidence, when the troubles were first perceived, and when good order and discipline began to run down, and so quickly did it run down that this investigation had to be ordered a few months after, in May or June, 1884, to find out the cause. I am sorry that the Commissioners have missed the mark, and that they have not shown themselves equal to the important duties entrusted to them, and that their report was not calculated to restore peace and harmony in this institution. The Warden had to be told that he was wrong and would have to make his peace with those officers whom he had charged with conspiracy and and liquor drinking. Such a judgment had the effect naturally anticipated. A revolt took place.

Such are the reports of our two Commissioners. Such is the value of these documents of theirs. I said they were poor reports, worthy of the sham investigation they were the coronation of. I believe I was not mistaken. Is it not evident that the object of all this work has been to whitewash all that was black and blacken all that was white, so that after the investigation the whole staff might be kept in office, whatever might be the guilt of those whom the legitimate authority of the prison had complained against? I may then make use, with better purpose, of the expressions of the Inspector, which are found at page 189, and which say that these reports

"misdirected the Minister of Justice, to the injury of good order and discipline among employés and convicts, and to the destruction of that confidence, good-will and *esprit de corps* which should exist between all the members of the staff."

It seems that with such facts as those I have related and which I had occasion to put before the Minister of Justice, his eyes should have been opened and he should have done something for the bringing back of peace and harmony in the prison. But no, he did nothing of the kind ; on the contrary, everything he did gave strength to the party who had determined to ruin Mr. Laviolette's administration. Things went from bad to worse, until the Minister's decision given in June, 1885, *in re* the general enquiry of 1884, made Mr. Laviolette's administration a ruin. Convicts scorned this decision. They sneered when the news reached their ears that the Warden and his two chief officers who had been at war for months past, had been ordered to be reconciled and make their peace. They knew the Warden had complained of the insubordination and impolite conduct of his Deputy. They knew that the Warden had complained of the Chief Keeper's appearance in the prison with the odour of liquor upon him in violation of Rule 258, enacting as follows :

"If any officer comes to the prison with the appearance or odour of liquor upon him, ... or shall fall asleep on duty . . . . or be guilty . . . . of frequenting taverns, he shall be dismissed . . ."

Convicts knew that the Warden had charged those officers with being implicated in a conspiracy against him in which they themselves believed.

They had seen with their own eyes the principal facts which were elucidated during the investigation. How could they help sneering at the decision of the Minister?

Hon. gentlemen, let me give you an instance which will show you how things went on in this prison, an instance which will show you how subalterns acted towards the chief officer of the institution and yet were not punished for their bad conduct when complained of through the Inspector to the Minister.

The Warden in support of his charge against his Deputy made a sworn declaration stating the rough and abrupt manner in which the Deputy Warden had provoked him in presence of convicts on one occasion,—a circumstance which is worthy of being reported. Let me read it to you gentlemen. In a manuscript document which is found in the record of this inquiry I find the following made under oath by Warden Laviolette.

"It was some time in April (1884) about the 26th that the Deputy (Mr. Ouimet) asked me for a gang of convicts to work in his garden. I made him a very short answer, that I did not see how I could do it—that I would be most happy to oblige him. However in the face of my instructions and more particularly the letter of the Department which I received the 19th November last I did not see my way to granting him convicts. After breakfast I saw the Deputy had a guard with convicts in his garden. In the evening I sent him a copy of the letter of the Inspector, of the 19th November last. I had no answer. The next day the convicts were still at work in the garden. I dropped him a few lines stating something to the effect that I would be most willing to oblige him by helping him to work his garden by allowing a few convicts but as he must have understood by the reading of the letter of the 19th November that I could not well grant him those convicts—that I would have to keep those convicts in. The next day, 1st of May, at noon, I entered the east wing, when the convicts were moving to their cells. The Deputy was there, and said to me in a very rough manner: 'You had no necessity to write to me that note in that manner—you had me notified enough by convicts.' I asked him what he meant. He said: 'Yes, you have been telling all the convicts that you were to withdraw the convicts from my garden,' and I answered, 'I never did such a thing. I never said a word about it to anyone.' To this he said: 'Yes, you did; and this will be settled some day.' I answered to him: 'Yes, it will be settled, and many other things, too. You should have understood from that letter that I was not in a position to grant you convicts. And, Mr. Ouimet, you have been badly using me for a considerable time past; you have been deluding everybody, and there must be an end to that: we will have to settle that.' To this the Deputy answered a few rough words which I do not recollect at all. On this I said, 'Mr. Ouimet, you must understand that I do not care for you and that I am not afraid of you.' To this he replied. 'Nor I neither.' I then said,—'you are very tall, but I do not care a dam for you.' As to threatening to strike him I deny that, I never did anything of the kind. I spoke loud very likely but I did not shout. There were many convicts in the cells . . . it is more than I can say, if any of them heard anything. As to officers I recollect seeing only keeper Desormeau."

In cross examination Inspector Moylan asks:

"Did you ever make any official complaint to me . . . ?"

The Warden answered:

"No Sir, of course in my plea, I shall have to show why, as I intend to do."

In his written plea at page 114 of the blue book the Warden states:

"If I have not accused the Deputy Warden it was among other reasons . . . I saw the hostility of the Inspector who would be my judge . . . . My position was a perilous one . . . Prudence suggested to me not to speak . . . to let time furnish me the opportunity of obtaining justice."

Convicts knew also of the atrocious conduct of the Deputy Warden towards his superior officer, the Warden, during the investigation, when he had written and filed to be recorded, that the Warden had forsworn himself, and that the Commissioners had accepted the document without such a defence of the authority of the prison, as circumstances required. Let me give you, hon. gentlemen, a short history of this sad occurrence:

On the 14th July, 1884, ex-Guard H. Demers, having been sworn in as a witness, the Deputy Warden (Mr. Ouimet), who knew that Demers had been

quite intimate with some of the officers complained of by the Warden, determined to discredit the witness. He took exception to his being heard, in the following words, which are found at pages 135 and 136 of the blue book :

"I have to protest against the taking of the evidence of this man, ex-Guard Hector Demers, by the Commissioners in this case, as he has been discharged twice from the institution. At the last inquiry, previous to his dismissal, I gave incriminating evidence against him. Consequently he is prejudiced against me, and it was proven by five witnesses at the last inquiry that he was not reliable upon oath in any matter of importance, also it was shown at said enquiry that the Warden forswore his oath of office in order to shield, protect and sustain this man by giving him a good character in defiance of said sworn testimony, and the fact which he admitted, that twenty reports have been made against him by different officers in the space of two years. Consequently, it can be reasonably supposed that a league exists between my accuser and this man, which when their character are taken into consideration makes him entirely unreliable to give reliable evidence in this important case."

To this the Commissioners had not a word to say except that while accepting the documents, the Inspector said : page 135.

"The decision of Mr. Baillairge and the Inspector is that the evidence of this witness be taken, and its merits be decided upon by the Commissioners of the Minister of Justice."

No doubt this is a typographical error it should read "decided by the Minister of Justice."

After this decision of the Commissioners, the Warden thought it was not necessary for him to say a single word for the present, that it was better for him to give to both the documents filed by the Deputy and to the conduct of the Commissioners, in this instance a written answer. He did so after the hearing of witnesses had been terminated. You will find his words in his written defence at pages 135 and 136 of the blue book. Let me read them :

"The first objection that Demers has been twice dismissed cannot be serious, unless it be proven that such a dismissal had taken place on account of some serious charges proven against his honesty, his truthfulness, &c., &c.

The record of the case shows that he was dismissed because of breaches of discipline. The fact that the Deputy has given evidence against Demers in another case, could not prevent the latter being called to give his evidence in a case against the former. This happens every day in the course of our law.

The next charge that Demers was proven at the late enquiry against him by five witnesses not to be reliable upon oath, is very serious indeed, if it be true.

But such is not the case, a charge of this kind has never been proved against Demers. It is true five officers of the Penitentiary, out of eight called by Demers' accuser, have said so, upon their oath, while the three others testified in his favor. Those five witnesses are Deputy Warden Ouimet, Chief Keeper McCarthy, Clerk of Works Béland, Engineer Devlin, and Keeper Lynche. But when those five poor men were asked their reasons for swearing so, they could give no legitimate reasons. On the contrary they showed that this infamous attack had no base whatsoever. Demers had told them lies sometimes, or something else of no more value was their answer.

"Is it, on the part of those five men, ignorance of what an oath is, or did they swear so under the influence of a passion which blinded their intelligence and their judgment, or did they do so wilfully, in order to destroy and annihilate a testimony which they knew would injure them or their friends. I would not take upon myself the responsibility of deciding, but the fact is there, it speaks for itself, whatever may have been their reasons for so doing.

"Could conspirators have better understood each other?"

I beg here to remark that those men were the very men complained of by the Warden, four of them especially for having taken part in a conspiracy against the commanding officer of the Penitentiary. Besides the three who contradicted the five other witnesses as mentioned above, Demers brought two others, making five witnesses, disinterested, who swore to Demers's integrity. The Warden continues his answer as follows : (page 136).

"Demers then brought two other witnesses, Instructor Leduc and myself, (the Warden).

We testified to Demers' honesty and good character. Demers then asked for subpœnas for outside witnesses. The Inspector refused. Demers insisted. The Inspector replied, it was useless to have any other witnesses called. They have heard enough to vindicate his honorability, his good character, and establish his veracity. The Warden's testimony alone would have been quite sufficient. He could not then allow other witnesses to be sent for. Demers protested in writing in the following terms, which I find in a document signed

by him and filed in the hands of the Inspector at the end of this enquiry. I have annexed to this plea of mine, a copy of the said document, of which the following is an extract :—

"I regret that having my accuser multiply his charges against me during the enquiry and having entered such charges in your book, you refuse to hear me on such charges as also my witnesses. I protest against this way of proceeding, because I had witnesses to bring to justify myself."

Such are the facts (continues the Warden) and yet Mr. Deputy Warden Ouimet boldly states in a written document, against the reputation of an honest man, that this man has been proven not reliable under oath.

Before I am finished with this part of the protest of the Deputy, I beg to be permitted to give some few certificates which will show what is, and what has been, the opinions entertained by those who, whether outside or inside the Penitentiary, have employed Demers for years past.

Here follows those certificates :—

MONTREAL, 15th January, 1873.

"The bearer, Hector Demers, was in our employment about three years, during which time we always found him steady, honest and sober.

(Sg.) PROWSE BROS.

MONTREAL, April 28th, 1882.

The bearer, H. Demers, has worked for us for some time. We take pleasure in saying that his conduct was always satisfactory and that we consider him honest and industrious and a very efficient workman, thoroughly conversant with all the different branches of his trade.

(Sg.) R. & W. WARMENTON.

MONTREAL, 19th September, 1884.

The bearer, Hector Demers, has been in our employ for some years, and we know him to be steady, honest, sober and industrous, our acquaintence with him extending over a period of twelve years, and we take pleasure in recommending him as a thoroughly good mechanic.

(Sg.) JOSEPH JAINER & Co.

MONTREAL, 19th September, 1884.

I have pleasure in certifying that Mr. H. Demers is a very honest, sober, active man, one of the best workmen I ever had in my employ. Such are the qualities I always found in him during the pretty long time he was my employee

(Sg.) EDWARD BERNIER."

"ST. VINCENT DE PAUL, 12th June, 1878.

"Mr. Demers, the bearer, has been employed at the Penitentiary for about one year and a half. During this period I have always known him to be a most honest man, attentive to his duties of conscience, and it is my conviction that any person who may have to rely on him will not be frustrated.

(Sg.) I. U. LECLERE, Priest."

"ST. VINCENT DE PAUL, 19th June, 1878.

"Mr. Hector Demers has been employed at the Penitentiary during seventeen months. I know him for a sober, steady, honest man, and for a good tinsmith.

(Sg.) J. A. DUCHESNEAU, Warden."

"MONTREAL, 6th October, 1884.

"I, the undersigned, testify by these presents that Mr. H. Demers is an honest, sober, active man, and a very good mechanic.

(Sg.) F. JUSTINIEU, Director, &c."

ST. VINCENT DE PAUL, 22nd Sept, 1884.

The bearer Mr. Hector Demers has resided in this village for a few years and I have always found him an industrious, honest, sober and steady man.

(Sg.) JOS. H. BELLEROSE. Senator.

The Warden continues his answer to the protest :

Then follows a most brutal and disgraceful attack upon me (the Warden) :

"That I had forswore my oath of office to shield, protect and sustain this man (witness Demers) by giving him a good character in defiance of testimony of five of my officers, and admitting that twenty reports had been made against him by different officers in the space of two years."

Self respect forbids me to give an answer to such a vile charge, a charge which is no less than a libel and a base attack upon my character and my honor. It is a question of damages and even something more, which, at all events, cannot be settled before this tribunal. It shows the poor judgment of the Deputy Warden and of his associates, as also it shows their animus towards myself.

Mr. Ouimet then concludes in about the same style. He says :

"Consequently, it can be reasonably supposed that a league exists between my accuser (the Warden) and this man (witness H. Demers) which, when their character are taken into consideration, makes him entirely unreliable to give reliable evidence in this important matter."

I (the Warden) have lived for over half a century, and I must say that I was astonished to see the Inspector, who knew the facts of the case as I have just now reported them, allowing such an untruthful document, written in so disgraceful a language, to be received by the Commissioners, without stating the facts to his colleague, and accepting such a libel to stand part of the record in this case. How could my subaltern officer have been permitted to make such an unmerited attack upon me, his superior officer, when I, menaced as I am of being dismissed, am not allowed to show that the report of my superior officer, the Inspector, had, wrongly or rightly, been in my way as responsible officer for the successful administration of this Institution.

So far as this goes Mr. Baillargé is all right in this instance; he could not

know more than he saw or what he heard. The Inspector not having told him about the five witnesses who had contradicted the five above mentioned, and who had swore against Demers, Mr. Baillargé could not be charged with partiality when he wrote in his report :—

"When ex-Guard Demers was called for to give his evidence, the Deputy formally objected thereto, because five witnesses during a previous inquiry within the penitentiary, had sworn to his unreliability on oath. The Commissioners recorded the objection, but decided on receiving the evidence, their decision being subordinate to that of the Minister of Justice. The Deputy, however, declined to cross-question this witness."

But Mr. Baillargé is liable to be charged with partiality and something more, when it is considered he had before him, written in black and white, the answer given in writing by the Warden to the protest of the Deputy, which answer I have just read out of the defence of the Warden, wherein the Warden states that five witnesses contradicted the five he mentions as having sworn to the unreliability on oath of Demers. How could the Minister appreciate this part of his report (Mr. Baillargé's), when he neglected to tell him the circumstances referred to by the Warden, namely, 1st, the fact that five disinterested witnesses had contradicted the five interested ; 2nd the certificates, and 3rd, the fact that the Inspector at the time, in a previous enquiry, had refused to hear any more evidence in vindication of Witness Demers' credibility, stating :

"They had heard enough to vindicate his honor and good character, and establish his veracity."

Is it not extraordinary that all this could not decide the Commissioners to give this witness credit for so much, and that on the contrary they continued discrediting his evidence, as shown by the quotation I have made from Mr. Baillargé's report ? But this is not the worst of it. They did more. Let me tell you how. While the Commissioners could do so against one of the best witnesses on the Warden's side, they did the reverse as to one of the witnesses on the Deputy Warden's side. The Warden swore that Keeper L——— had sworn black and white in a previous investigation. Here are his words, which I copy from his defense (see page 120 of the blue-book) :

"The only witness of his accuser having changed his evidence, I asserted that such was the case, under my oath."

Yet the Commissioners had not in their report a word of blame for this officer.

I need say no more. Any commentaries of mine would be useless. Those quotations from public and official documents speak more eloquently than I could. I may then pass to the Chief Keeper's case, and show why convicts sneered at the decision of the Minister in his case.

One of the other charges against this officer beside conspiracy, was that he came to the prison with the odor of liquor upon him. Opening the official report of the evidence taken, I find the following statements made by witnesses after they had taken the oath :

Messenger Lefaivre swore he

"remembered that in the month of February the Chief Keeper came to the prison under the influence of liquor. He was not staggering, but it was easy to see that he had taken a fair share."

Guard Felix Lesage stated :

"Sometimes I saw him a little too much under the influence of liquor. During the winter I noticed him in liquor several times, about eight or ten times. He was in the yard so. I heard some of the convicts remarking that they had remarked it. I have seen him in liquor to such an extent that many things could take place without his perceiving it."

Keeper J. B. Desormeau

"saw the Chief Keeper five or six times under the influence of liquor during hours of duty, during the year preceding the enquiry. He could hardly walk, could not do his duty. Sometimes he found him asleep in his office, being under the influence of liquor."

Guard J. E. Durocher said :

"Chief Keeper came to prison under influence of liquor three or four times. He vomited once in keeper's hall."

Warden Laviolette

"saw him once—"

I said, hon. gentlemen, that convicts had sneered when the news reached their ears that the decision of the Minister was that the Warden had been wrong in complaining, and that both the Deputy and Chief Keeper were right.

The judgment of the Minister of Justice is in the following words. It is found at page 223 of the blue book :—

"The Warden is to be informed that the Minister regrets that he brought against the Deputy Warden and Chief Keeper so many serious charges which he has been unable to sustain, and that he gave so much support to an evil system of spying. The Warden will be expected to take steps *at once* to be reconciled to the officers in question; while he will be supported in a judicious exercise of the large powers entrusted to him, for the administration of the prison, he will be held responsible for a corresponding degree of good judgment which it is thought he does not show in the present instance.....The Chief Keeper is to be informed that the Minister is pleased that nothing worthy of reproof has been found against him. It is to be hoped that he will give the Warden that support and willing obedience which is due to him."

Was it not quite natural for convicts who had seen all the facts to laugh at such an investigation and at such a decision? The outrageous conduct of both officers, Deputy and Chief Keeper, toward the Chief officer of the prison, as established by the evidence I have read being justified by the report of the Commissioners and declared good and commendable by the judgement of the Minister. What a farce! Such a valuable judgment could have no other effect than a very bad one. So it had. Liquor drinking became notorious in our penitentiary. Officers were met drunk at night in the streets of Montreal and were even taken by the police. Not more than two or three weeks ago, another case of this kind was noticed in the broad light of day in the same city. The penitentiary official had stolen a team and left the city with it, injuring the horses and the vehicle. The proprietor of the team having missed his team placed the matter in the hands of the police. The team was found a few miles from Montreal. Steps for the arrest of this officer were taken but money settled the difficulty. This officer, it is said, is a protege of the present Warden and consequently of the Inspector also. This would explain why such a grave offence was forgotten and the offender not troubled about it. Other officers were found drunk at home. Even convicts thought they had a right to indulge in liquor. Not further back than last summer, a convict was found lying dead drunk in the streets of our village and the rumor was that he had obtained liquor at one of the officers quarters. Did the Government or their valuable or impartial Inspector try to find out the guilty officer? No, gentlemen, rumor said that the guilty officer in this case also, was a protege of theirs. What they did, was to take immediate steps to have the poor convict tried for desertion and punished *for having* left the prison when he knew not what he was about and when he most probably had never thought of escaping. The convict having been persuaded beforehand that if he admitted his guilt before the court, the Judge would be approached and he would receive a very light punishment, did so, and the circumstances of the case were not made known

Happy officers! whose offences are so carefully absolved.

Poor convicts who have to pay for the sins of their guardians!

Convicts were jubilant when they heard that one of the best officers of the prison, a first-class detective, an officer of over twenty years' service, one who had a few few days before saved the institution from a great misfortune, had been dismissed. A blast had been prepared by convicts. Had it not been discovered, who could say what would have been the consequence. Unfortunately, Keeper Desormeau had to report that Deputy Warden Ouimet had neglected having a watch kept on the inside of the walls! I repeat, convicts were jubilant when they heard this officer had been dismissed. The letter of this officer, when he was made aware of his dismissal, under the pretext that he had acted as a spy, is found at pages 307 and 308 of the blue-book.

Convicts could not help expressing their astonishment when they were told that Storekeeper Lamarche, Trade Instructor Leduc and Guard Lesage had been pointed out by the Commissioners for having acted as spies, as also, as far as Mr. Lamarche is concerned, for having

" made it a practice of carrying to one who was not his superior officer, or even connected with the prison, information of what transpired within the walls of the Penitentiary," (page 223)

and that they had been fined and reprimanded.

While on this subject of spying, which the Inspector seems to have an aversion for, and which he characterises in his report, page 190, as "base and unmanly . . . and confined to the St. Vincent de Paul Penitentiary," may I not express a doubt as to whether he is not himself directly or indirectly responsible for this state of things? As far as my information goes, he is. One of the most respectable men who ever held a situation in this prison, wrote in the press and in an official letter the following (pages 306 and 307):

"St. Vincent de Paul, 31st July, 1885.
G. Laviolette, Esq., Warden.

Sir,—With a private individual I know well what I would have to do in a case of a dismissal from service such as the present one, but with a Government I understand that I have only got to submit myself and to suffer patiently, waiting for Providence to give me an opportunity of making known the actions of the different actors of that drama.

You tell me, Mr. Warden, that, according to a decision rendered by the Minister of Justice, you must, on account of espionage, dismiss me from my duties. The espionage has but such little attraction for me that I state as a fact that I have refused the most signal favors rather than practising it in the Penitentiary.

I again state as a fact that there is so much honesty in me that the most honeyed words cannot induce me to act contrary to it.

No one is better aware of that than Mr. Inspector Moylan and his great and intimate friend the ex-Chaplain.

These gentlemen are aware that I leave the Penitentiary a victim of an act of vengeance.

They know that I leave the service because I did not want to become an unjust man nor to be used as an instrument for bad purposes.

They know that I leave the service because my conscience has triumphed over the temptations to lead me in a bad way.

Therefore it is not due to espionage that I leave the Penitentiary, but to my refusal to assist those that wished to put trouble into that institution.

Calumny for the present triumphs; fortunately its reign is ordinarily of short duration, whereas that of truth and justice, however late it may arrive, is not less permanent.

Believe me, Mr. Warden,
Your obedient servant,
J. E. Durocher."

Again Keeper Desormeau affirms in his letter to Warden Laviolette dated 31st July, 1885, page 307.

"Mr. Moylan and the ex-Chaplain were about the only ones who had acted, or who had caused others to act, to their own benefit the part of spies in the Penitentiary, both during the time of the administration of Dr. Duchesnau and more recently, during your own administration. Did not one of these gentlemen offer favors to employees to spy you?"

If the Warden was justified, and I have sufficiently proved that he was, in his conviction that the Inspector was hostile to his administration, and that he used all means to prevent his success, what else could he do but prepare for the fight, and take notes of every error his adversaries might be guilty of? Then, if his supporters were aware of such hostility, and the evidence shows they were, what else could they do but prepare for war, convinced, as they must have been, of what awaited them should the head man of the prison, whom they supported, be broken down by their common enemies? "No," state the Commissioners. (Page 119).

"The Warden ought to have reported to the Inspector in order to obtain redress.

Very well, but had not the Warden already followed that course? Had he not, in his letter of the 15th January, 1884, laid a complaint against his two chief officers, and had he not then received a promise contained in a *memo* of the Deputy-Minister of Justice, dated 1st April, 1884, page 21 of blue book, that he would have the support of the Department? Relying on such a solemn promise, the Warden asked for an enquiry against his two chief officers. What was the consequence? The Warden answers in the following words (see pages 144, 145, of the blue book).

What was my astonishment when the Commissioners having arrived to begin such enquiry, I thought, as I had asked for, they stated at the opening, that their orders were to make a general investigation into the administration of the penitentiary.

This put me on my trial, side by side, with my two chief officers, whom I had just now charged with conspiracy and hostility to the Warden and to his administration.

The support promised had vanished and my position had much, very much, been weakened. While my two chief officers had only to answer to the specific charges I had made against them and gave them notice of some time before the enquiry began, I had to answer, without having received one minute's notice, for my three years' admin-

istration, during which (as I stated before in this present document) I had to face all kinds of difficulties. (Page 144).

Again, when my two *aides* had to answer only for their own acts deliberately perpetrated, I had to answer for my administration at the very time I was complaining that these acts of my two chief officers were neutralizing my efforts, injuring my administration and menacing the welfare of the institution. I repeat, I do not complain as to the course followed; such is not my intention, but I feel that I am bound to put before my judges all the circumstances of the case, so that they may be in a position to say whether I am worthy of their protection."

Now, hon. gentlemen, I am confident that you will find some evidence in this as to the determination to break down the Warden and help out the two first subalterns of the prison.

Again, if spying is such a pernicious system, so mean an act that it cannot be excused, even when it has been made use of in self-defence and after all other means have been employed, what punishment should be inflicted on the Inspector, if the statements contained in Mr. Durocher's letter and corroborated by Keeper Desormeau that he used it, or that he had authorized it, for mischief's sake be true? His efforts to prevent a full investigation into all the troubles of this prison lead certainly to the conclusion that he had fears—and all the wry faces which he may make cannot deceive any one on the subject.

It happens that I personally know that the Inspector has not always been so much opposed to spying. I know of a case when one of his *proteges* laid a complaint against another officer of the Penitentiary whom he disliked. An enquiry was made. The Inspector's *proteges* could not find any evidence in support of his charge; on the contrary the officer complained of brought strong evidence against the complainant as to the mode followed to impeach him, his colleague, by spying. No punishment was awarded. I am happy to find at page 115 that the Warden refers to this case in the following words:

"I have never practised espionage alone; some officers under my control had recourse to it, and if they have not been rigorously punished for it, it is a known fact that it is due to the charity of those against whom it was directed. The Deputy Warden knows it better than any one else; he should not have forgotten the result of a certain enquiry which has proved against him, although it had been provoked by him."

This charge of spying against Deputy Warden Ouimet was brought again during the investigation I am now dealing with, that of 1884. You find in the official report of the evidence that Storekeeper Lamarche swore:—

"You (Deputy Warden Ouimet) have conspired against me and attempted to injure my reputation as Storekeeper by delivering out of the accountant's books facts that could injure me, giving that to strangers and outside the institution. And on account of it there was an enquiry made upon it. My position of Storekeeper was maintained, and the facts revealed that I did nothing wrong on that occasion. . . To the best of my opinion, I swear that you (Mr. Ouimet) had your information from the accountant's book."

This is certainly a very strong case against the Deputy Warden, particularly when you consider how severely Mr. Lamarche is dealt with to-day by the Commissioners, who have not a word of reproach for the Deputy, who had before, and was now, convicted of the same offence, spying not in self-defence, but on the contrary in dislike of Lamarche, and to injure him. Yet Ouimet has never been punished, and all the strong words of the Commissioners are for the Storekeeper, who swears he was on self-defence and had to take his precautions. His evidence is:—

"Having been persecuted by the Deputy (Mr. Ouimet), I had to take the necessary precautions to be able to defend myself in time and place."

I should think there is more than partiality in such a course. It sounds something worse.

Again, so late as a few week ago, in his annual report for 1886-87, the Inspector refers to spying. He says, (see page 27):—

"The odious and demoralizing system of spying, so much in vogue in the past, no longer exists. The Warden promises that he will never encourage this abominable practice."

The Warden spoken of is Mr. Ouimet, the very same official to whom I have so often referred and who, Mr. Lamarche swears, has spyed and persecuted him. Is it not evident that the Inspector has determined to protect this officer by all

means and break down all others who may not agree with him?

As to the second charge against Mr. Lamarche, brought by the Inspector, I defy the Inspector to show a single word in the evidence taken by the Commissioners, which could warrant such a statement,

"That this witness made it a practice of carrying outside, what transpired within the walls of the penitentiary.

What Mr. Lamarche swore was that Mr. Bellerose being a public man, an official visitor of such Institutions, he never hesitated to answer questions put to him on Penitentiary matters. To this the Inspector replied (reported at page 2,265 of the record of the evidence put before the Senate):

"He (the Inspector) was the witnesses superior officer, and on occasions, when Senators and Members of Parliament called upon him on the subject of the Penitentiary, he referred them to the Minister of Justice, before giving it to them.

Now, gentlemen, this statement of the Inspector is not in accordance with facts: it is untrue as far as I am concerned. I had occasion to be in want of such information. I went to the Inspector and I do not recollect one single instance in which he did not comply with my request without referring to his chiefs. More than that, the Inspector even volunteered information. There is still something worse, but I will keep that for a future occasion, when I can be asked upon oath anything which I may be aware of.

In connection with this charge of the Inspector against Storekeeper Lamarche, Warden Laviolette states in his defence, at page 147 of the blue-book:

"To a question put by the Inspector, Mr. Lamarche answered that having been honored long before he entered the Penitentiary, with the friendship of the Honorable Senator Bellerose, he had been in the habit of paying now and then a visit to the honorable gentleman, and it happened sometimes that the conversation fell on some Penitentiary matters, and, that knowing the privilege enjoyed by members of Parliament, he had never hesitated to utter some words which he would not have spoken to outsiders. But said Mr. Lamarche: I never had the habit of repeating what passed in the Penitentiary.

"The Inspector seemed to lay much stress on this statement of the Storekeeper, which I humbly acknowledge I do not consider a violation of the rules in any such cases, much less when the member spoken to is a gentleman, as the honourable senator has always shown himself to be in respect to the Penitentiary officers.

"During the investigation against Warden Dr. Duchesneau, this officer did all in his power to prove that Senator Bellerose had ill-advised his subordinate officer. Not a single one of them which were questioned on this matter, whether on one side or on the other, swore anything of this kind; on the contrary, every one positively stated that when he had been at the Senator's for advice, he had invariably given them good advice, and told them they had to obey and submit. Since I am at the head of this Penitentiary, the conduct of Mr. Bellerose, in relation to the Penitentiary has been such, that I have before this regretted, and I do now regret, that my subalterns in the Penitentiary have not all gone to him with a determination to follow his advice. I am sure we would have peace and harmony in the Institution and would never have heard of conspiracy or conspiration.

I am sure the Senator would never have advised rebellion, or encouraged insubordination, or become a party to any plot or conspiracy.

Unlike some other politicians who will pretend that the patronage of this institution is theirs, and that they must have the choice of officers of the institution, the hon. Senator at the beginning of my administration reiterated to me what he had said to late Warden Duchesneau when taking the reins of the institution, that he, no doubt, would have to recommend some of his friends to a situation at the prison, but he wished it to be understood, that he would never press an appointment, that the Warden being responsible for the good working of the institution, he considered it wrong for politicians to impose upon him officers who might not be fit for the service.

During my three years' administration, not one of the hon gentleman's recommendations have been entertained favorably. It would have been quite pleasant to me if I could have taken at least one of his protégés and show that it was by no sense of hostility or any other like motives I had set aside his recommendations, but this I was unable to do on account of the pressure which came from other quarters; and yet, I have never heard that this hon. gentleman had ever taken offence at this course of mine.

As to Storekeeper Lamarche, I am bound in honor and justice to say, that I only desire that every one of my officers were such as this officer is—steady, subordinate, devoted to the good of the institution, sober, energetic, attentive to his duties to such an extent that the General Accountant, Mr. Foster, often stated that no better officer could be found; a good scholar, and above all, trustworthy to such a degree that his

honesty has made for him bitter enemies outside and inside the institution, as it would be quite easy to prove, if ever it should become necessary.

As far as I am concerned, I should think that I ought not to add a word more, that the Warden has superabundantly vindicated my position against the evident hostility of the Inspector, but as to Mr. Lamarche I feel that your honors have a right to know whether or not the the Inspector had any bad feelings against this officer. For your information then, gentlemen, I have to state that when Mr. Laviolette wrote in his defence the last paragraph I have read, namely, that

"Storekeeper Lamarche was trustworthy to such a degree that his honesty has made for him bitter enemies &c. &c."

He intended alluding particularly to Inspector Moylan. This is an important fact since, coupled with others I have already mentioned or which I will refer to before I am done, it explains the extraordinary efforts made by the Inspector to prevent a searching enquiry being made into the causes of the troubles of this prison, as it also explains the harshness shown to Mr. Lamarche by the Inspector. If Mr. Lamarche is dismissed through Mr. Moylan, it would be a good thing for me.

While the Inspector found it such a great breach of the rules for Mr. Lamarche to have done so, adds the Warden, page 146, he had not a single word of blame for the Deputy Warden, who had done worse. See pages 146 and 145; you will find:

"The Deputy Warden also called his brother, A. Ouimet, Esq., M.P. for Laval, to give evidence on his side.

"This witness swore, amongst other things, that he had advised his brother, the Deputy Warden, not to submit to certain orders of the Warden. This, with other statements made during this enquiry, conclusively show that the conspiracy or plot against myself, says the Warden, and against my administration, extended beyond the limits of the Penitentiary, amongst the relatives of the conspirators and amongst hostile and interested parties outside. * * Indeed when witness A. Ouimet admitted that he had admitted that he had advised his brother to disobey the orders of the chief executive officer of the Penitentiary, I, the Warden, expected that the Commissioners would have some strong words of blame both for the Deputy and for the witness, for their conduct, a conduct which in no way could be excused, neither tolerated, and which was more than sufficient to prevent the good working of any institution so interfered with."

The Warden further adds: page 145,

"Deputy Warden Ouimet and Chief Keeper McCarthy, when giving evidence, were forced to admit that they had entered into an understanding and that they had determined to refuse obeying any verbal order given to them. The Chief Keeper adding that the Deputy had assured him that his brother, A. Ouimet, Esq., M.P. for Laval, had advised him not to obey such orders. The Deputy corroborated this fact under oath."

Hon. gentlemen, I ask of you was not this good evidence of the conspiracy complained of by the Warden? And yet the commissioners state, conspiracy not proven.

Such a sham investigation into the administration of Warden Laviolette presided over by the very man whom for some time he had charged with working against him and in having been the cause of the difficulties the penitentiary was laboring under, could only have a bad effect on convicts and on the proper working of the Institution. Yet it was expected at the time that the prudence and sagacity of the then Minister of Justice would prevent the mischief it could work. Unfortunately the Minister relied too much on his subordinates and made things still worse. The judgment which was prepared in the Department, and which he signed without looking into the evidence taken, ordered the punishment of some five or six of the very best officers of the prison, everyone of them having always stood by the legitimate authority of the Warden supporting him against the Deputy Warden's party, while it complimented the Deputy, and the Chief Keeper's who had it seems, been illegitimately at war against the Warden for some time past and who by so doing had set a very bad example to the whole of the inmates of this prison. You could then see the bad effect of what had been done. Convicts were no longer subject to discipline. You could see them gossiping with the officers and even among themselves. Even officers were taking up sides and betting on the results of the struggle between the two parties. "The

Warden would succeed," said one. "He will not," asserted the other; "the Deputy has a brother an M. P. He will have the best of it."

That such was the state of things at the time, I will prove by the admission of the very men whom Warden Laviolette charges with a part of the responsibility for the evil. In a letter of theirs, dated on the 7th May, 1886, and addressed to the Inspector, the Deputy Warden and the Chief Keeper wrote (page 337):—

"For some time back—years, we may say—the convicts have been in an unsettled state, owing, in a great measure, to the investigations that have taken place here, which had the effect of making them begin gossiping with the officers and among themselves, and of taking up sides and even betting on the result. The officers also had or were taking sides, and ceased to have confidence in each other, or to act in unanimity."

It is true those officers state further on in this same letter, that such a state of things was the result of the too great leniency of the Warden toward both officers and convicts, but I have shown that leniency had nothing to do with the breaking down of the discipline of the prison, since Mr. Laviolette had perfectly well succeeded in restoring the good working of the Institution up to the middle of 1883—when the difficulties began to undermine the good effects of his administration. I leave to you, hon. gentleman, to say whether the Warden with such adversaries as he had all round him working to ruin his administration, was at liberty to rule as he could have done under ordinary circumstances? Is it not evident that the bad example given to convicts by officers of all ranks was more than sufficient to run Mr. Laviolette's administration particularly when they knew, as the evidence shows they knew, the hostility of the Inspector towards the Warden? Insubordination on the part of officers necessarily brought insubordination on the part of convicts, and when this spirit of insubordination had spread over the whole population of the Penitentiary, it naturally led convicts to rise up in arms against the legitimate authority of the prison and try to recover their liberty.

I had, gentlemen, some five or six weeks before the revolt occurred, at the beginning of March, I believe, warned the Government of the danger. I had told them the state of things in this Institution, and that should they neglect to look into it they no doubt would regret it later. My advice was received with contempt. I was a false prophet. On the 24th April following the wires brought the sad news that a general mutiny of convicts had taken place, one killed, others wounded, amongst them the Warden who was considered a dead man. As to this sad occurrence I will say at present nothing more but state that the different reports of what then happened, taken as a whole, are the reverse of what is true.

Should my task have been completed with showing the truth of my assertions repeatedly made to the Minister of Justice as to the fact that the Inspector was not a proper person to be intrusted with the important duty of enquiring into any of the difficulties of our penitentiary I could have done so in a very few words, and so save much of your time. The proceedings which took place in the Commons in May 1886, about five weeks after the rising of convicts had taken place, show how little time it took honest politicans to appreciate the course followed by the Inspector in this question of the troubles of our penitentiary.

On the 31st day of May, 1886, the Hon. Laurier from his seat in the Commons put the following question to the Government:

"Have any steps been taken to have an investigation into the causes of the recent outbreak?"

To this the Hon. Mr. Thompson (Minister of Justice) answered:

"There was an investigation in the ordinary course of justice by the Coroner's inquest, and subsequently there was an investigation made by the Inspector. I may call that a preliminary investigation, because it is not intended that it should be a final one. I have determined as early as possible after the close of the session, and after the recovery of the Warden, . . to make as full an investigation into the affairs of the Penitentiary as can possibly be made. . . . . I do stand committed, as the head of the Department, to having a full and thorough investigation."

Mr. Laurier replied:—

"There must be a thorough overhauling of the whole system. Not simply by officers of the Department, but by parties outside of the Department, who would be thoroughly impartial, and determined beforehand to give justice wherever justice is due, and to put the blame wherever the blame ought to be put."

Then Mr. Desjardins (Hochelaga) said:

"The leader of the Opposition has mentioned the reports of the Inspector, and judging from the tone of those reports, he must have felt that he would not be in a condition to impartially act in any enquiry that would take place to find out the exact truth in those matters."

Mr. Blake answered: "I must confess that the tone in one passage of the report did not strike me very favorably."

To this the Minister of Justice, (Mr. Thompson), replied: "With regard to the subject of impartiality, it is necessary that the enquiry (at St. Vincent de Paul) should be made by some other Inspector."

If the simple reading of the annual report of the Inspector brought such a conviction to the minds of Members on both sides of the Commons, that they unhesitatingly declare that he (the Inspector) was not in a condition to impartially act in an enquiry to ascertain the exact truth as to the difficulties of our Penitentiary, how is it that the Government, and particularly the Minister of Justice who had for five or six years so much information before him, did not see it and do something to prevent the consequences of such a bad state of things? Was the Inspector so sure of the truth of his statements when he repeatedly said that "he cared for no man, whether politician or laymen; that Sir John would stand by him," that he could defy his chiefs and even the Governement?

Be this as it may, it is evident that the moment the Government had discovered that their valuable Inspector was so discredited that they had to admit that he could not be relied upon in so important an enquiry, which the public at large was interested in, they decided to have no investigation at all, force Warden Laviolette to leave his command and to hear no more of the charges laid by this officer against Inspector Moylan.

Should my task have ended, I repeat, with establishing the unfitness of Inspector Moylan to deal with these troubles of our Penitentiary, I could have done so without going into these details, but I had to show also the true state of things at this prison, before, during, and after the investigation of 1884, the decision of the Minister which followed, and lastly, the mutiny of the 24th April, 1886, and the connection of all these events one with the other, to show how legitimate were the different warnings I gave to the Government, from time to time, from my seat in this House, or by correspondence, letters, etc., etc. So, that all the facts of the case being made public, my devotion to what was right should be known to refute the false assertions and atrocious calumnies made against me in the blue book, to ruin my influence and prevent my prayer for a serious enquiry, being favorably entertained. I hope I have sufficiently gone over the record of the troubles of our prison to attain this end. I could not then protract my remarks on this subject, any further, without abusing the constant attention which your Honors have given me. I feel I could not search any more into all those prison difficulties without becoming tedious I have said enough to show what the previous investigation had been. I said they had been sham enquiries. I believe I have pretty well established they were a sham. I said they meant the breaking down of the late Warden, (Mr. Laviolette). This charge I have made good without the help of a minute and serious investigation as promised by the Government after the revolt. I said for years past that the Inspector, in the circumstances in which he was placed, was not in a position to be entrusted with the important duty of enquiring into the various difficulties of this penitentiary. I have, I hope, superabundantly shown that such was the case, when I have not only brought strong evidence in support of this assertion, but also have the very admissions made at the last hour, it is true, of the Minister of Justice, whose words in the Commons I have already quoted, and which are:

"With regard to the subject of impar-

tiality, it is necessary that the enquiry should be made by some other Inspector."

I may then fairly ask of you, hon. gentlemen, to draw the logical conclusion which even common sense suggests, which is, that if I could make up so good a case without an investigation, with only such documents as are of record, what would it be if the enquiry solemnly promised in both Houses of Parliament during the session of 1886, had taken place?

Having said so much as to the difficulties of our penitentiary and as to the late Warden Laviolette's case, I will now, with your permission, refer to my own case and answer to the various injurious attacks directly made upon me in this blue book, many of which could be brought before this House as questions of privilege, a thing I will not do, leaving to hon. members to see to the protection of their privileges.

It being now nearly six o'clock, and having reached the personal part of this matter, I beg to move the adjournment of the debate.

HON. MR. ABBOTT—Unfortunately, it is not the usual practice to adjourn debates of this character where there is no substantive motion before the House. That practice has certainly been departed from on one or two occasions in the Senate, but I do not know that it has ever gone so far as in the present instance. It is certainly an indulgence to my hon. friend to have allowed one adjurnment, and now to repeat this irregularity is highly objectionable. The House is not very busy, it is true, but it will be creating a precedent which may be hereafter invoked when some other subject of more importance to the public is under discussion.

HON. MR. BELLEROSE—I will not contend that I am not in my right in asking for it, though I admit it must be taken as a special case. When charged as I have been, as a member of the Senate, one would suppose that the House would be happy to know the facts, and to find that a member of the House is in no way guilty of what he is charged. As to the precedent which the hon. Minister says this may create, I may state to the hon. gentleman that it has been done over and over again, and if it is an irregularity which should be stopped, why commence in this instance? I could attain my object in another way. I could state what I have to say on a motion to adjourn.

HON. MR. ABBOTT—My hon.friend might see the answer to what he has just said in the benches of this House during the whole afternoon. On more than one occasion the House might have been counted out, and the hon. gentleman must see that the hon. members are impatient of this discussion. If my hon. friend wants to put the remainder of his address in the official report I have no objection, if the House permits it, to let him read it in a cursory manner and hand it over to the reporter.

HON. MR. TRUDEL—In my opinion it is an injustice to the hon. member to look at this matter in the light when it is taken by the hon. Minister. It is an acknowledged practice that in the debate on the Address every possible latitude is allowed to hon. gentlemen who intend to speak. It is the grand inquest of the country on public affairs, and my hon. friend had a perfect right to raise all this question in his speech on the Address, as in fact he did, but proposed, himself, as the House seemed to be anxious to pass the Address, to postpone his remarks to a future day provided the same latitude and the same privileges which were his by right speaking on the Address should be continued in this very way. Strictly speaking, I consider he has the same right now in addressing the House on this subject as if he were speaking on the Address in reply to the Speech from the Throne.

HON. MR. BELLEROSE—Have I not the right at this very moment to rise to a question of privilege and say what I have to say, and who would shut my mouth? Where is the rule which says I have not the right to speak to that question? I have been abused and villified. I am not even asking a favor! I am within my right! I could do it in another way: I could give notice

that on Monday next I will ask for a committee and make my speech on that motion. I did not do it in that way, because I did not like to urge it too much upon the Government; I was in hopes that when the facts were before them in the shape in which I am submitting them, that they would see their way towards doing something to secure a searching enquiry into the affairs of the Penitentiary, and the conduct of the Inspector himself. But if it is the fact that the House is not interested enough in this matter, I am sorry for it; it shows how lightly the public men of this country look upon such serious matters as a man shot dead in a revolt in a public Penitentiary—a man sent to his Maker without even time to say, "O, God!" Then the country is paying some $3,000 to Mr. Laviolette, who is an invalid, and another sum of money to Mr. Chartrand, whose health is broken down, and hundreds of thousands of dollars of the public money are being mismanaged.

HON. MR. ABBOTT—I have not taken the point of order; I have made an appeal to my hon. friend to try and shorten his remarks and get through as soon as possible. I have not raised the point of order in such a manner as to provoke an argument. I merely appeal to my hon. friend that in order to put an end to this, his object can be attained by our sitting a little longer than six o'clock, so that he may finish his paper to day and get it on the pages of the official report.

HON. MR. BELLEROSE—I desire to read the balance of my statement, and perhaps it would be better to raise the point of order.

THE SPEAKER—It being six o'clock, I now leave the chair.

AFTER RECESS.

HON. MR. BELLEROSE resumed his speech, he said—I now come to the

III PART.

The Hon. Mr. Bellerose's answer to the attacks made upon him in the blue book and how he became connected with the troubles of the Penitentiary.

In June 1884, Warden Laviolete, having placed his charges against his two subalterns in the hands of the Inspector, this officer wrote from Montreal to the Deputy Minister of Justice, a letter, (see page 109 of the blue book) wherein refering to the charges made by the Warden, he adds;

"I have grounds for believing that he is acting under advice from Mr. Bellerose..."

At this time I had not yet in any way, meddled with the troubles of the Penitentiary which for some time past had received the attention of the Hon. Mr. Masson as I have already stated, and as I will establish before I resume my seat. The only thing I had done was that some twelve months before I had told the Inspector and his friend the Chaplain that should their conduct towards the Warden bring trouble in the prison, I should then consider it my duty to stand by the Warden and oppose their bad work.

It was then evidently to raise prejudices against me in the Department, beforehand, that this official referred to me in the way he did, when I had not then even decided as to what course I should follow in redeeming the promise I had made in 1883 to our then colleague (Mr. Masson) of helping him in his efforts to restore peace in the prison—a subject I will refer to in a moment.

As to the statement itself, it is nothing less than a vile calumny, for which the Inspector had not the least ground. I solemnly declare that I knew nothing of the intentions of the Warden to take such a step. Had he consulted me about the adoption of such a course, I certainly would have told him not to do so, but rather suffer than have Inspector Moylan for his judge. That the best he could do was to renew his charges against the Inspector and ask for his dismissal, urging that the Minister of Justice had already admitted the validity of his complaint when he had forced the Chaplain out of office a few months before on the very same ground, the complaint then having been that both the Inspector and the Chaplain should be dismissed on account of their hostility to the administration of Mr. Laviolette. The Minister forced the Chaplain out of office, and

retained the Inspector. Further on, I will have occasion to refer to this very important step of the Minister and give a full history of what then passed.

At page 299 of the blue book to which I have referred, in *re* the affidavit charging the Deputy Warden with having received a bribe of $300 in consideration of services rendered by him in the escape of convicts Harwood and Williams, the Inspector says in his report:—

"J. H. Bellerose swore that he had no evidence to give on the escapes of Harwood and Williams, or on that of Fortier. He solemnly 'swore' that he had neither written to Sol. Green nor received from him letters, notes, or anything else. The equivocating and disingenuous character of Mr. Bellerose's evidence is clear. He made a positive and definite charge against me and when the opportunity was afforded him to place his proof on record, he refuses to sustain his allegations." . . . . . and although he had explanation and evidence furnished to him to show that his charge is utterly false and without foundation, he had not the manliness to make the *amende* which any honorable man would feel himself called upon to offer."

Then the Inspector concludes:—

"The evidence given by convict Perry, conjoined by Mr. Bouker, by Beauparlent, and by Sol Green, shows that Mr. Bellerose had taken a lively interest in this special case against the Deputy Warden."

I will in no way refer to the impolite manner in which I am treated in these passages by the Inspector, but will proceed at once to examine the evidence taken in this case.

"Convict Perry stated that he never had any connection with Mr. Bellerose, but that he gave a statement respecting the escape of Harwood and Williams to an officer of the prison (Instructor Beauparlant), and that this officer had promised that he would state the case to Mr. Bellerose, and repeat to him his opinion. That later Beauparlant told him that if he could prove by outside witnesses the charge against the Deputy Warden he would probably be pardoned, &c., and that Mr. Bellerose would work for him."

Trade Instructor Beauparlant states upon oath that he mentioned the matter to Mr. Bellerose who told him not to have anything to do with this affair, and not to say a word about it to convict Perry: that Mr. Bellerose never mentioned it to him to state to that convict that if he could prove the charge against the Deputy Warden, he (Mr. Bellerose) would try and get him pardoned or have his sentence shortened.

Chas. M. Bowker, Station Agent, Mansonville, S. E. R., swears that Sol. Green received some letters from St. Vincent de Paul, but he could not say from whom they were.

The Inspector then puts the following questions to Bowker.

Q. Would you recognize the handwriting of the address of those letters?

A. I think I would.

Q. Was the writing like what is in this letter (showing Senator Bellerose's letter to the witness)?

A. It was in a similar hand, apparently written with a quill pen like what you have shown me and in the same hand. Green received two or three such letters.

I will remark here the extraordinary character of the course pursued by the Inspector in allowing a witness to compare writing shown to him in the witness box with writings he had had occasion, he says, to see once or twice some five or six months before, at a time when he could not even have suspected that he would be called to swear to the handwriting of the person who had sent such letters.

Joseph H. Bellerose swears:—

"To the best of my recollection the first thing I heard in the village was that clothes were found in the Penitentiary grounds. The next thing was Instructor Beauparlant, who told me on calling to see me, that an ex-convict had gone to him and told him that he would like to see me about the bribery case, I said, I have not seen the man. When I received the affidavit, those and similar things I have just mentioned were brought to my mind and I began to think it was a serious affair, and I consequently went to Ottawa as Beauparlant came to me a second time after I had received the affidavit, when he showed me a paper written by convict Perry. I read the paper, handed it back and told this officer not to meddle with this affair, as it might injure him. I solemnly declare that I never gave Beauparlant authority to inform convict Perry, that he might expect his pardon or the shortening of his sentence if he succeeded to prove the charge of bribery against the Deputy Warden. On the contrary, I put Beauparlant on his guard I solemnly declare that I never wrote letters, notes or anything directly or indirectly to this man, Sol Green. Solon Green never called on me on any occasion."

As to the evidence given by Sol. Green to which the Inspector refers, it does not appear in the report, for a very good reason. This individual was never summoned to appear and he never gave his

evidence. So that giving the name of this man as having corroborated convict Perry's evidence is nothing short of a grave imposture, which shows what the Inspector is capable of when he has determined to ruin an adversary. Witness Gilman who spoke of Green stated that he was a scoundrel of the deepest dye. The Superintendent of the Dominion police also affirms that Green had an unenviable and bad reputation. So that the coupling of my name with that of such a man was a mischevious act on the part of the Inspector.

Hon. gentlemen, the whole of this evidence is found in the blue book from page 259 to page 295. I would ask the Senate as a matter of courtesy towards myself, I being the party suffering insult from the Inspector, to read over the evidence of which I have given a synopsis, and decide for themselves whether or not this report of the Inspector is not a mischevious effort to ruin me and excite ill-feeling against me in the minds of the Minister and of his Deputy, so as to destroy such influence as gave me a right to ask for an inquiry into his proceedings under such serious circumstances. I will also leave it to the decision of hon. gentlemen whether or not my evidence was clearly of an equivocal and disingenuous character as stated by the Inspector.

As to the *amende* spoken of by the Inspector, as to my charging him with a dereliction of his important duties in his previous enquiry in *re* the escape of convicts Harwood and Williams, I had no opportunity to put my proof on record since the Inspector was then under orders to begin over his previous investigation and not at all to hear evidence as to my charge against him. Then in this case of Harwood and Williams, what evidence was I bound to furnish? Surely none, particularly when I had declined the competency of this official both in my letter of the 20th January and in that of the 27th of the same month, to the Minister of Justice, when I wrote :—

"I was surprised to hear that the same officer who it seems now had neglected his duty on the two important occasions I have referred to (escapes of Harwood and of Fortier) will be the officer chosen to see whether he himself was wrong or not on he first occasion."

Again, what *amende* could I make when I had then, as I have now, good reasons to believe that he was not doing his duty even in this second enquiry?

My past experience had left me without any confidence in this officer. How then could I take his word?

How could I make an *amende* under such circumstances, on a simple assertion of his that he had done his duty, when I had even then some evidence of the contrary, and that I had good reason for suspicion that he was still working some mischief? It is true that the Inspector having called me as a witness, assured me after I had given my evidence that he was quite innocent, and that he hoped I would withdraw my charge against him. But surely I could not do so when I knew better—when I knew what he had been about for some time past. So I flatly refused, and told him that when I made a charge I had good reasons to do so. "What I desired," said I, "was to have a thorough investigation. Let him help me, and it will be granted."

It is evident that the Inspector thought he would succeed with me as he and the Chaplain had succeeded in 1882 with Mr. Laviolette, before they had made their annual report complained of by the late Warden, in getting also from me by persuasive and sweet words my signature to an *amende*—to an acknowledgment that I had made a charge of which I had no proof—in order that he might use it to ruin me in the Department, as he and the Chaplain had done with the certificates which they had induced Warden Laviolette to sign in October, 1882, and in January, 1883. But I knew too well with whom I was dealing. I flatly refused to grant such a favour.

Permit me now, hon. gentlemen, to refer you to page 304 of the same blue book. There your Honors will find a letter of mine, dated at St. Vincent de Paul, on the 17th September, 1885, and addressed to the hon. Minister of Justice, wherein I wrote :

"I have reasons to believe the honorable men who have accused Mr. the Inspector, in Parliament, in the press, over their own signatures, and in official documents, had good reasons for having done so.

"An honorable man does not accuse lightly without good reasons. . . . Neither you nor I can shut our eyes to the fact that

the accusers have long since proved a serious and detailed enquiry against this same man, your employé."

The Inspector took the liberty of adding at the foot of my letter in the blue-book the following note, signed with his initials :—

"The writer of this letter, Jos. H. Bellerose —honorable by accident and courtesy—is the only person who has made accusations, in Parliament, in the press, over their own signatures, against Mr. the Inspector.

"Jos. H. Bellerose seems to think that any accusation which he has seen fit to make, no matter how false, is equivalent to proof. —J. G. M."

During last session this question was brought before the Senate as a question of privilege by the hon. Senator from British Columbia (Mr. McInnes). The Government admitted it was a terrible insult to this House and that such a misdemeanor would receive at their hands punishment worthy of the Senate. The Minister himself, in particular, qualified this act of the Inspector as a disgraceful act, which he gave his word he had never heard of before. It seemed by the statement of this Minister that the Inspector, knowing that the Minister could not allow such a note to be added in a book for which he, the Minister, stood responsible, had written the note only on the copy of the letter to be sent to the printer, so that being printed the book would be sent to Parliament for distribution throughout the Dominion and then, if it happened that the Minister should be made aware of the note, after the distribution of the book, it would be too late, the mischief was completed.

I challenge any gentleman in this House to say that he would keep in his employment a man who could have done any like thing, a man who would have grossly abused not only the party employing him but also those for whom they had any respect and consideration. Yet the Inspector has been kept in office.

Why, a true friend of Sir John A. Macdonald, a Senator who is at this very moment within the reach of my voice, came to me one day at the very end of last session, and said, "Moylan has taken a very bad step. He must go. No Government could keep in its service an officer who has followed such a contemptible course."

I myself was inclined to believe that the Government would deal with the case as they promised they would when the hon. Leader of the Senate (Mr. Abbott), said on the 14th June last :

"I may say, he (the Inspector) has received a very severe reprimand, and steps have been taken to mark the sense of the Government in another way, and it is now under consideration what further steps will be taken on the subject."

I then waived all rights I had to deal with the blue-book in question, and said I would give time to the Government, and wait until next session for their action in the premises. The time asked for has passed away. Parliament has again met. What have the Government done to redeem their solemn promises? Nothing worthy of mention, except that they have circulated the book containing the comments and remarks, which the hon. leader of this House has justly said constituted a "very grave and serious offence against the dignity of the Senate," and which the Minister of Justice has qualified as a "contemptible act." This blue-book has been, during recess, printed *de novo* in the appendices to the journals of both Houses, no doubt the intention being to keep on record those charges against me. To this, again, hon. gentlemen, I have no objection, since it has given me occasion to furnish the whole history of all the troubles of our prison, and to throw on the proper shoulders the burden which ill-will and duplicity have for years past kept on my own.

I see now, that Inspector Moylan knew what he was about, when he said :

"He cared for no man, whether politician or layman, that Sir John would have to stand by him, whatever he did."

Had the Government redeemed their word of honor when they promised that a serious investigation would be made, language to that effect would have been proven to have been spoken by the Inspector on more than one occasion.

As to the insinuation that the accusers of the Inspector, of whom I am here the proctor or representative, desired to have their accusations made good before they were proved, that is simply humbug.

The Inspector knows that it is not the case. I have never made a complaint without asking for an investigation. Furthermore, the Inspector knows, as I have already stated, that the first thing I did at the beginning of these troubles, was to tell him and tell his accomplices that they were in error, and that they ought to change their course. But, gentlemen, there is still more than that : I am not at all the party who began war against him and against his associates. I had not even a simple suspicion that any one was at work to have the Inspector or any other officer complained of, removed from office, when already it had been decided that one of them would have to leave the institution. Let me relate the whole facts :

Some time during the session of 1883, a gentleman of high standing, a member of the Privy Council of Her Majesty for Canada, took proceedings against those officials with Sir Alexander Campbell, (who was then Minister of Justice). This gentleman was no other than the late Lieutenant-Governor of Quebec, then a Senator, and a late adviser of the Crown. I solemnly declare I knew nothing of this until later, when this hon. gentleman (Mr. Masson) came to me in this very Chamber and informed me that he had laid complaints against the Inspector and the Roman Catholic Chaplain. That the Minister had agreed to dispense with the services of the Chaplain, but that he would not consent to dismiss them both, that surely I knew what was the state of affairs at the prison, and therefore he hoped I would give my assistance in having both put out of office. The hon gentleman also told me that His Lordship Bishop Fabre had been interviewed and that it was decided that the Chaplain should hand in his resignation. I told him that I could not aid him, although I knew that the two officers were in the wrong. That I thought the Minister was right in waiting to see the effect which the dismissal of the Chaplain would have on the other official. I said that no doubt the punishment of the Chaplain would be a lesson to the Inspector. I considered that the retirement of the Chaplain would in no way injure him, he having no family, while the dismissal of the Inspector, who had a family, might do him a great deal of harm. "Give him, then" I said, " one year's trial. Let us see the effect of the lesson administered to him ; and if the wrong doings continue during that time, I promise you I will work if the experience is not favorable in your direction and ask for the dismissal of the Inspector."

I have no written evidence of these facts, as I have in almost every other case that I have mentioned, but if any member of this House entertains a doubt as to the correctness of my statements, I may say there is a member of the Senate present to-day who was also approached by the Hon. Mr. Masson for the same purpose, and that the Senator so approached referred him to me, as knowing more of the difficulties in the Penitentiary than he did. I allude to the hon. Senator for Repentigny (Mr. Armand), and I ask him to say whether or not my statement is in accordance with the fact.

HON. MR. ARMAND—Yes ; on the occasion mentioned by my hon. friend, Mr. Masson solicited me to help him. I answered that it was better for him to have the support of the hon. member from Delanaudiere, who resided near the Penitentiary and knew more about the difficulties referred to than I did.

HON. MR. BELLEROSE (continuing) —I felt that I was bound by the promise made to our late colleague, Mr. Masson, who was then Lieutenant Governor of Quebec—I felt bound to ask for the dismissal of the Inspector, and I did so after the inquiry of 1884, but without success, deprived as I was on the one hand of the influence of a member of the Privy Council, and having, on the other hand, to meet the prejudices which the Inspector had succeeded in raising in the minds of the Minister of Justice and his deputy. Under the circumstances, and in view of the Inspector's declaration that Sir John would stand by him, I considered myself bound to make known the facts to the Government from my seat in this House. During the session of 1885, in March, I warned the Government of the danger of allowing matters to rest. The Inspector availed himself of every opportunity which pre-

sented itself to persuade the Minister that I was a terrible man, with no respect for the truth, and with a heart full of anger—that I had no manliness of nature, and other calumnies of that kind.

At this time the press of Montreal and Quebec published editorials of injurious character against me in connection with the position I had taken respecting the Penitentiary difficulties. It was evident that they obtained their information from the Department of Justice. I answered, defying my adversaries to reply. They never did reply, but they continued their attacks for some time, as hon. gentlemen will see, if they refer to *La Minerve* of the 24th February, 1885, the *Chronicle* of 3rd March, the *Shareholder* of 13th March, and other newspapers about that date. I answered in *La Minerve* of March 7th, the *Chronicle* of the same date, the *Shareholder* of the 27th March and 3rd April, 1885, and in *Le Monde* of April 13th, 1885, &c., &c. The Inspector's friend, the late Chaplain, went even further, and wrote me a very unfair letter, which I do not feel justified in publishing for the present, but I will give my answer to his :—

"SENATE CHAMBER,
Ottawa, 11th March, 1885.

Rev. Mr. Leclerc, Pastor, St. Joseph, Montreal.

DEAR SIR,—

Yours of yesterday to hand. You say you do not ask for an answer. I am happy it is so, for I must acknowledge that I could not have taken the responsibility of dispensing with what charity asked from me in giving an answer to it. I certainly forgive the injurious attacks made upon me in your letter, so much the better when I feel I do not deserve them. Please do not forget that this is now three years since I advised you to quit and go back to your old way, three years since I endeavored to convince you that the path you had entered into would bring you into lamentable difficulties, and three years since I assured you that if such difficulties should come I would have to combat against you and so follow the dictates of my conscience which then inspired me, as it does now, that you were wrong.

It is not then my fault if such perversions have realized. No one more than I do regrets that it is so.

You are younger than I am, it is true, but the disease which often keeps you on a bed of suffering may naturally lead us to believe that you will not live much longer than I will at the age I have reached. Soon, then, we both will have to account for the good or for the evil which we have worked for in this case wherein justice has a great share We will then surely know whether I have been wrong in any thing I have done in this affair, or whether it is not you who deserves condemnation. Let us think to this seriously, if we desire sincerely to well appreciate the course each of us has followed.

I remain to-day, as in the past, your devoted friend in the limits of justice.

JOS H. BELLEROSE."

Your honors will also find in the blue book which has forced from me these remarks, my name repeatedly mentioned in the different documents there printed and an effort made to discredit me, as well as all my statements. The Inspector went even so far in this respect, that the Minister of Justice, honorable as he was, Sir Alexander Campbell, had to interfere and forbid this official meddling any more with Members of Parliament and ordering him to let them alone. Many a time Sir Alexander had to renew this order; let me cite one or two cases.

I knew so well the determination of the Inspector to cause my ruin, that I was convinced that, in an enquiry (escape of Harwood and Williams) which he had been forced to begin over again on a complaint of mine, in May 1885, he would try to injure me, that after he had made his report, I went to Sir Alexander Campbell and stated my impression. He could not believe, he answered, that the Inspector had done such a thing. "Well, then," said I, "will you look into the documents and tell me whether I am right or wrong." "Yes," answered the Hon. Minister. The following day, Sir Alexander came to me in the Senate room and said: "You were right, Mr. Bellerose, I have given orders; this will be corrected." I let the matter stand, and Parliament having been prorogued, I left for home. Some time afterwards I wrote to Sir Alexander Campbell asking whether his orders had been complied with by the Inspector. His answer was, no.

This is my letter :

"ST. VINCENT DE PAUL, 27th July, 1885.

"*The Hon. Sir Alex. Campbell, K.C.M.G.*

"DEAR SIR,—No doubt you remember that some five or six weeks ago I stated to you that I had good reasons to believe that Mr. Moylan had misrepresented me in his minutes of the enquiry in *re* the affidavit

against Deputy Warden Ouimet. That by a letter of the Inspector sent to me at the time I had come to the conclusion that he had maliciously mentioned my name then as being the Deputy Warden's accuser. That I should like to see the minutes. You answered that there was no objection, but that you could not believe that the Inspector could have done such a thing. I replied that if you would see yourself in the matter, I would save you the trouble of my visit. So you did, and two days later you came to me and said: 'You were right, Bellerose. You are mentioned as the accuser, but I have given orders to strike that out at once.' I replied: 'But these minutes are kept in duplicate, a copy for the Department and the other of record for the Penitentiary.' 'I am glad to know that,' was your answer; 'and I will order that both copies be made right.' Now, I beg to be permitted to ask whether your orders have been complied with, and whether both minutes have been corrected?

"I remain, yours truly,
"Jos. H. Bellerose."

Now, the Minister's answer is:—

"Ottawa, 29th July, 1885.

"*The. Hon. J. H. Bellerose, St. Vincent de Paul:*

"My dear Bellerose,—I find that the corrections of which you speak in your note of the 27th had not been communicated to the Warden, but I have given instructions, and it will now be done.

"Faithfully yours,
"A. Campbell."

The Inspector had not written to the chief officer at the Penitentiary, so that his minutes there might be corrected as ordered. Had I, through ignorance of this man's character, let the matter stand until to-day, this document would now have been brought before Parliament and before the public, charging me with deeds of which I am totally innocent.

Again, in his final report after the general enquiry in 1884, I was certain that I would be calumniated there by this man. So I was, and Sir Alex. Campbell, having read the report, added a marginal note in somewhat the following terms:—

"I thought I had told the Inspector to let Mr. Bellerose alone."

This note on the manuscript report I showed to the present Minister of Justice (Mr. Thompson) on the 8th June, 1887, so that even if it had already been on, if it should happen to be wiped out later, I have good evidence of the truth of my statement.

At page 156 of the Supplementary Report, the Inspector is reported to have written in his report:

"Mr. Bellerose may have assisted in creating this false impression on the Warden's mind, according to his own statement, made to me in my office here, last April. He told me he had paid a visit to the Penitentiary during the parliamentary recess, and that in passing through the yard he saw three or four of the officers together who were conspiring against the Warden; that he told the Warden, when going out, a conspiracy was on foot against him, but that he mentioned no names; and that the Warden pooh-poohed the idea, assuring him that no such thing existed, as he stood too well with his officers to give occasion for the like. The reason given by the Hon. Senator for his belief in a conspiracy was his own penetration in reading men's character and thoughts, acquired during the number of years he had spent in military life. I remarked were I making an enquiry into such a charge, I would attach very little importance to such proof."

Whether I told the Inspector anything of a visit of mine to the prison as he states, or whether I made to the Warden the statement he refers to is very material, since the Inspector had a good chance of ascertaining what the Warden knew, as also what I knew of such a conspiracy. I had been summoned by the Commissioners to appear before them and give evidence. The Inspector himself cross-examined me. I swore that there was a conspiracy against the Warden, and also that I had written to this official that he had to take good care, that I knew of a party in Ottawa who was working in the dark to injure him. Why did he not follow up this answer in the usual way? Why did he not ask "who is this party? What grounds have you for such a charge?" No, the Inspector's mouth was shut; after a while he opened his mouth to tell me that he had finished, that he had no more questions to put. I withdrew.

How does this paragraph of the Inspector's report agree with his abstaining from inquiring into what I knew of the conspiracy at the time of the enquiry? It seems that on this last occasion he feared that my penetration in reading men's character and thoughts could endanger him. But when away far from me, at Ottawa, making his report it seems he thought the danger no longer existed,

he could then speak bravely and without fear of receiving an answer which might not be pleasant to him. So he did, and wrote the words I have read.

It is only too bad that I have occasion to allude to his courageous conduct and tell him that my answer is still ready for him whenever he is ready to receive it.

Hon. gentlemen, please open the blue book at page 255. You will find a letter of mine, bearing date 27th January, 1885, and addressed to the Deputy-Minister of Justice. It was an answer to his of the 23rd of the same month. In this letter of mine I wrote :

"A commission was appointed without even the Inspector knowing of the intention of the Minister."

The Inspector, before complying with the order of the Senate, which was to lay this letter on its table, had the impudence to give me the lie by adding the following note at the bottom of the letter in the blue book :

"This statement is untrue. I asked for the appointment of a commission from the Minister of Justice as an act of justice to me, and declined to visit St. Vincent de Paul, until a proper enquiry would be made."

Now, gentlemen this statement of mine in my letter, I solemnly declare is the truth. Neither the Inspector nor any other officer of the Department could have known the fact since the whole affair was decided and completely settled, between the Minister on one side and Mr. A. Desjardins, M. P., and myself on the other, in one and the same visit of us both to the Minister's office.

Having read this impolite language of the Inspector, and his false statement, I immediately wrote to the gentleman who had acted with me in this case, asking what was his recollection. He answered:

"OTTAWA, 2.th June, 1887.

"*Hon. J. H. Bellerose, Senator.*

"DEAR SIR—I recollect that in 1879 you and I had an interview with the Hon. James McDonald, then Minister of Justice. This was about the difficulties which existed at the time at the Penitentiary of St. Vincent de Paul. We asked for an enquiry, insisting on the appointment of a Commission chosen outside the Department of Justice, so that it would be perfectly impartial. I could not remember all the incidents of this interview, but I do remember well that the Minister gave the names of MM. Taché and Miall as those who he would charge with this work. This Minister was in this instance in concert with the Hon. Mr. Masson, one of his colleagues, and according to his advice. Not a single one of the officers of the Department took part in this interview.

"I remain, &c.,

(Sd.) "ALPH. DESJARDINS."

Any commentaries of mine are useless. Mr. Desjardins affirms that the whole affair was begun and finished in one single interview with the Minister. That no officer of the Department was called on when there, and that it was then and there settled that a Commission would be appointed, and that Messrs. Taché and Miall should be the commissioners.

With the permission of the House, I will now refer to the extraordinary course followed by the Minister of Justice, in dealing with the addresses I moved for in 1886, asking for documents which the hon. Minister put on the table of the Senate towards the end of the session of 1887, printed in book form, and erroneously intituled, "Supplementary reports on Penitentiaries for year ending 30th June, 1886." This is probably the first time that the parliamentary practice of bringing returns to addresses has been dispensed with and the various documents asked for by different addresses, brought all mixed up in a volume, without any of the usual forms. I do not intend taking exception to the course followed, neither will I take up the time of the House to show that the title given to this book is nonsense. However wrong may have been this motive of the Government, I am inclined to be indulgent on account of the difficult position they stood in. If you look over the blue book you find at once the reasons why such an exceptional course has been followed. Here and there in this book you find *remarks* added—as a heading to certain documents asked for and which it was feared would work mischief against some of the officials of the Department of Justice, if some thing was not done to discredit such documents. In some other parts of this book you find a foot note which it was found necessary to add to ruin the influence of the individual who had written the letter on other documents, complaining or calling the Minister's attention to something wrong. In other instances such comments and foot notes, not being con-

sidered sufficient to remove the danger, you find important documents not asked for and the existence of which was not even suspected, added in the book to deceive Parliament and the public. Lastly, when the real truth could not be concealed by such means, then print was used for certain documents while others were left in manuscript.

All the various documents I asked for were printed, accompanied with remarks, foot notes, etc., etc., except one which no comments or foot notes could change the nature of or could put discredit upon, and which, consequently, was left in manuscript. I refer to the evidence given by the different witnesses called during the investigation of 1884. This was a dangerous document as I have shown in the course of my remarks. In leaving it in manuscript form there was a chance of no one perusing it, particularly when the report of the Commissioners contained a synopsis of this evidence and the reader would consider this quite sufficient, not knowing that the synopsis was prepared in view of the report and that the synopsis was by no means an equitable one, as I have shown already. During my prolonged remarks I have given evidence of all this, but there is one document which I knew not the existence of, which I did not ask for and which I regret the publishing of. I mean to refer to the report of Deputy Warden Ouimet, in *re* the revolt of 1886, which is found at page 311 of the blue book.

I regret to have to say that this report taken as a whole is not borne out by the facts, and that it is, therefore untrue. I have to speak in the same terms of the annual report of the Inspector for the year 1885-86, as far as the revolt is concerned. I regret the more the publication of those reports, and particularly that of the Deputy Warden, which was not asked for and so was published in contradiction of my previous statements in the House, since I feel myself bound to add that when the Minister put those reports before Parliament, he knew, or at all events, he had strong doubts as to their truthfulness.

What had occurred, and the statement made in the Court of Queen's Bench in Montreal, a few days after the revolt, during the trial of those convicts who had risen up in arms against the legitimate authority of the Penitentiary, ought to have shaken the credulity of the Minister. I have already referred to some of these facts. In a minute or two I will have occasion to refer again to what then took place, or to what was then said in court. Again, the different statements made through the press could not but increase such doubts. In December, 1886, a correspondent wrote a long letter in which I read :

"I must know something of what occurred then. I was called at the prison, being told that the Warden had fell into the hands of convicts, and was probably dead; that no one seemed willing to take command; and that convicts were masters of the prison *and they most probably* would succeed in recovering their liberty.

"Warden Laviolette alone could tell whether the great danger that his life was in was the consequence of a failure of his staff to help him; whether his subalterns were at their posts, or whether they deserted it—

"But no, * * * There are others who could answer, if not to all, to many of those questions. I am one of those—

(Sd.) "JOS. H. BELLEROSE."

Consequently, I can come to no other conclusion in answer to this part of the blue book, than that, whether by malice, or under a pressure which he had not the courage to resist, or for some other motives, he, the Minister of Justice, has tried deliberately to deceive both Houses of Parliament in particular, and the public in general, by publishing a false report to give the lie to all statements which had been or could be made in the premises, convinced as he was that should he refuse, as he did refuse, to redeem his solemn promise that a minute enquiry would be made, neither I nor any others would have an opportunity of shewing his guilt and might do the bad work with impunity, he thought, and he did it. I say when—

HON. MR. ABBOTT—I rise to a point of order.

HON. MR. BELLEROSE—I affirm it.

HON. MR. ABBOTT—These are remarks which I feel bound to take notice of and call your Honor's attention to. I

think it is quite unprecedented to make a charge of that character—that the Minister deliberately published a report knowing it to be false and with the intention of deceiving the House.

HON. MR. BELLEROSE—I repeat the statement. It is a charge that I bring before the House against the Government.

HON. MR. ABBOTT—I ask for the Speaker's ruling as to the propriety of such language.

THE SPEAKER—The hon. gentleman, in my judgment, is quite out of order in bringing such an accusation against a member of the Government. Such language ought not to be permitted.

HON. MR. BELLEROSE—Then I immediately move for the appointment of a Committee to be composed of Messrs Abbott, Dickey, Lacoste, McDonald (B. C) Scott and Trudel.

HON. MR. HOWLAN—You cannot move for a Committee without giving notice.

HON. MR. BELLEROSE—It is a matter which requires prompt action. I have made a charge that the Minister of Justice knew, or had good reasons to know, that the report was false. I have made the assertion and I call for the appointment of a Committee to investigate the charge. If the Government wish to withdraw, let them do so ; when I make a charge I do not withdraw.

HON. MR. ABBOTT—I understood the honorable the Speaker to rule that this language was improper and out of order, and I ask that the usual course be followed, and the hon. gentleman called upon to retract it.

HON. MR. BELLEROSE—I wish to discuss the point of order.

THE SPEAKER—I have been asked to decide a question of order, if the hon. member will please take his seat.

HON. MR. BELLEROSE—I have a right, under Parliamentary practice, to discuss the question of order.

THE SPEAKER—I am appealed to upon a question of order.

HON. MR. BELLEROSE—I have a right to discuss it.

THE SPEAKER—The hon. gentleman has used language in the House which is decidedly out of order and I have been asked to give a decision. Having decided that the hon. member is out of order, the hon. member must necessarily suspend his remarks.

HON. MR. ABBOTT—I think the ordinary practice in the House has been, where language has been used which the Speaker has decided to be out of order, to call upon the member to withdraw it, and I submit that in this instance the hon. gentleman should be called upon to withdraw the language he has used.

HON. MR. BELLEROSE—In 1873, Mr. Huntington rose in his place in the House of Commons and charged the Government with a great deal more than that. I have never learned since that time that a member had not the right to charge the Government with something wrong.

HON. MR. ABBOTT—This is a charge made merely in debate, involving the personal honor of the Minister.

HON. MR. BELLEROSE—It is not the personal honor of the Minister. I said and repeat that the Minister of Justice, when he put that report before the Senate had sufficient reason to doubt the truthfulness of the report. He was not asked to give it ; he volunteered it. Why did he volunteer to give it? Just because I asked for another document which showed the other way, and he wished to show the opposite. I have looked for the reasons why this was put in the blue-book. It was, as I said, to put a foot-note, a remark before certain documents, to throw discredit on them. In other instances the Minister mixed up

documents not asked for—why, if not to deceive the public?

HON. MR. ALLAN—It has been said that corporations have no souls. Whether the saying is applicable to the Government or not, I do not know. It seems to me that if the hon. gentleman had spoken of the Government, he might have used the strongest words possible, but to say that an individual member of the House or of the Government is guilty of fathering a deliberate lie, is certainly, from the parliamentary experience I have had, altogether out of order and something which I think the hon. gentleman, on reflection, will consider ought not to have been stated.

HON. MR. BELLEROSE—The Minister of Justice being responsible for the blue-book, I made the charge against him. If the House desires, let the charge be made in the following words: "The Government, or some of them—especially the Minister from whose Department that document came—had good and sufficient reason to doubt the truthfulness of the document."

HON. MR. ABBOTT—I understand that the hon. gentleman wishes to substitute that statement for the other, and I have no objection to it as a matter of order.

HON. MR. BELLEROSE—I substitute that—that the Government or some of them, but particularly the gentleman who is at the head of the Department.

HON. MR. HOWLAN—I think my hon. friend will see that it is scarcely fair to select one Minister of the Government and to throw the whole onus of this on him. I think the hon. member is chivalrous enough, as a Frenchman and a soldier, not to attack a man who is not in a position to defend himself. Such a course would be unjust to himself and to the House and I am quite satisfied that in his cooler moments he will see that he was wrong in pursuing it.

HON. MR. BELLEROSE—I have no animus, but I would ask this—has not a member of this House a right at any time to rise in his place and charge the head of a department with having done something wrong?

HON. MR. SCOTT—He has a perfect right.

HON. MR. BELLEROSE—That is what I thought. If I supposed for a moment it was not right, God knows I would not do it. The hon. member from Alberton thinks it is not chivalrous to attack the Minister of Justice in his absence, but I would remind him that the Minister of Justice has not been chivalrous in dealing with me. Did he not say the party who had prophesied (that is myself, since I had predicted in my place here that there would be trouble), was responsible for the outbreak, as I will hereafter show by quoting from his speech?

HON. MR. ABBOTT—That is a very different thing from making a direct charge of falsehood against a member of the other Chamber.

HON. MR. BELLEROSE—I have stated the truth and I cannot withdraw it; but I bow to the decision of the Chair. There must be an inquiry to ascertain whether I have stated the truth or not. This is the position I hold: either I have stated something which is without foundation, or the Government is doing that which the hon. Leader of the House himself says is an abomination. If I am allowed, though it is an abomination, I will repeat that the Minister had sufficiently good reasons to have a doubt that the report was correct. I was present at the revolt, and saw what passed, and the Minister knows that I was there. As I have explained, I was sent for and urged to come, the Warden having been shot and the convicts being complete masters of the situation. Mr. Laviolette must know everything that took place before he was shot, and I know what occurred after my arrival there. If the House desires to ascertain the truth concerning this occurrence let them call for a committee of honest men to investigate the matter and I am prepared to appear before them. However, though I believe I am

right, I bow to the decision of the Chair, being one of those who accepted cheerfully the selection of the hon. member from Niagara to fill the position of Speaker. If he says I am wrong I submit to his decision—though I am sure I am right.

THE SPEAKER—I had good reason for deciding that the hon. member was out of order. One of the primary rules of the Senate is that no member is permitted to make taxing or unpleasant speeches.

HON. MR. BELLEROSE—I know, and I approve of that rule.

THE SPEAKER—It is well known that the most guarded caution prevails in this House in speaking of members of the other Chamber. The gentleman arraigned is a member of the other House, more than that, a Minister of the Crown. Now, there is a rule which provides that no member of the Senate is permitted to speak in terms of disrespect of a member of the other House, which I think applies to this particular case.

HON. MR. BELLEROSE—I accept that.

THE SPEAKER—I have no doubt the hon. gentleman was carried away by his subject, and probably said what perhaps he would not have stated in a moment of more deliberation, but I repeat that the language of the hon. gentleman was violent and out of order. It is my duty when appealed to—not otherwise, because I hold a different position from that of the Speaker of the other House, a difficult position to some extent as my hon. friend well knows—to point out to the hon. gentleman that he was out of order. The dignity of this House should be maintained by every one of its members, and while the rules of order are not such as to enable the Speaker promptly to interfere in any case, and while he is reluctant to do so at any time, he does not desire in any way to overstep the authority given him. I know that the hon. gentleman will, on reflection, admit that scenes such as this which has occurred to-night, tend to bring this House into confusion and perhaps into disrespect. I hope the hon. gentleman will see that I was right in deciding, on the question raised, that he was out of order.

HON. MR. BELLEROSE—Whatever I think of the Speaker's ruling, and his interpretation of the authorities he has cited, I have no right to look into the matter after his decision. I bow to his Honor's decision.

HON. MR. ABBOTT—I understand that my hon. friend withdrew the charge in the form in which it was made, and substituted for it another form, which, though severe and I think objectionable, is not out of order.

HON. MR. BELLEROSE—I have already said, and I now repeat, that though I stand by my assertions and believe I have a right to charge the Minister with such a dereliction of duty, I submit to the Speaker's decision, forced as I am by the rules of the House to do so. This is the best time to settle the matter. How will the Speaker and the leader of the House fix this discussion for the reporter?

HON. MR. ABBOTT—The reporter will, of course, report what has passed.

HON. MR. BELLEROSE—I accept that, and I will continue.

CONCLUSION.

I have now given an answer to the most important attacks made upon me, as also to many of the calumnious assertions made either against the late Warden Mr. Laviolette, or against myself by the Inspector, in the various documents contained in the blue book I am now dealing with. It would, no doubt, be quite useless to prolong my remarks and contradict *seriatim* every one of the vile statements contained in this book. Those I have selected and given you the history of, accompanied by references to public documents, showing the different principles on which the Inspector, acting as Judge, based his

conduct when he had to deal with a friend and what he did when he had to deal with a party for whom he had a dislike, must have convinced you that the late Warden was quite justified in making the various charges he has laid against the Inspector before, during and since the investigation of 1884.

No doubt, hon. gentlemen, you are now convinced that in the position I took on the difficulties of our provincial penitentiary, as well as in the defence of its late Warden, I did what was right and nothing more than my duty as an honest representative of the people. Yet, how have I been treated? The Inspector has been authorized—I am bound to say, has been authorized by his chief officer to injure me by all kinds of calumnies. The Minister of Justice himself has set the bad example to his subordinates—when he had the *courage* to utter such a mean and vile calumny as the one contained in the following words, which I find in a speech of his pronounced in the Commons on the 31st May, 1886:

"I daresay that political feeling to some extent, has interfered with the proper management of the institution. I am strongly inclined to think, however, that the political influences have come from the outside rather than from the inside. I think he (the Warden) has been, to some extent, at least . . . . . misled by advice from persons not qualified to give advice, and that he has put confidence in persons who prophesied evil in relation to the present management there and did their best to make their prophecies good."

I had a few weeks before warned the Government that unless they would do something to prevent the evil which the difficulties in the prison were preparing, they would certainly regret it.

Now, either the Minister had good ground to make such an injurious attack upon a member of Parliament and behind his back, or he had none. In the first case, after having pledged his honor that a most searching investigation would be made into the causes of the revolt, and after he had laid such a charge against me, why did he obstinately refuse to redeem his word and give whatever evidence he could find in support of his charge? He was bound in honor to do so, or withdraw the charge. He did neither the one nor the other. If he had no ground, I leave it to you, hon. gentlemen, to qualify such a contemptible act. Having asked for this enquiry day after day, I am fully justified in saying that—

"It was dishonorable on the part of the Minister to bring forward against a member of Parliament such a serious charge, which he is unable to prove, and———"

The investigation I asked for was a natural consequence of the revolt. It commended itself to the common sense of every honest man. Why, in every case where something extraordinary happens in such institutions, an enquiry is ordered, even in the case of a single escape. Yet after such a sad event as the revolt, nothing was done to find out what was at the bottom. Why was nothing done? "Because," answers the good Inspector at page 310 of the blue book, "the Coroners investigation was considered sufficient." Not so, gentlemen, quite the contrary, the Coroners Jury having sufficient evidence to report on the death of the convict shot dead, stopped their proceedings, gave their verdict and recommended that a minute investigation be made in the following words:—

"Considering the evidence given by Guard Bostock, who states that he heard it spoken, and that he then believed in a rising of convicts, and that he reported the facts to the authorities of the Penitentiary on the Thursday preceding the day the revolt broke out. The Coroners Jury in the investigation as to the death of convict Corrineau, having given their verdict, particularly recommends:

That a minute investigation be made into the details of the revolt, so that the responsibility may be put on the proper man."

A few days after, on the 31st May, the Minister of Justice stated in the Commons, as I have already read from his speech:

"There was an investigation in the ordinary course of justice by the Coroners inquest, and subsequently there was an investigation made by the Inspector. I may call that a preliminary investigation, because it is not intended that it should be a final one. . . . . I do stand committed as the head of the Department to having a full and thorough investigation."

Where is the truth?

Who is the party trying to deceive both Parliament and the public? What do all the contradictions I have referred to, and given evidence of, show?

Is it a good case that has to be sustained by such means?

All these efforts to prevent a thorough enquiry into all the difficulties of this prison, are certainly most extraordinary. The trouble the Inspector took day after day to show that it was not at all necessary is also a very strange thing. It seems to me that in looking at this question from its natural point of view; one cannot come to any other conclusion than that the Inspector has shown himself to be quite interested in diverting it. This official having the superintendance and the control of all such institutions, it seems to me that, convinced, as he admits in his reports he was, that this particular one did not work well, he should have been the very first one to ask that some means be adopted to find out the primary cause, of the mischief. But no, quite the contrary, the blue book shows that this official has been at work for some years past to prevent such a course being adopted. The Government and their Inspector have not been, I admit frankly, the only ones who have worked in this direction, others have followed their bad example. At the time of the revolt, the Deputy Warden's brother, A. Ouimet, Esq. M. P. for Laval, was a substitute to the Attorney General for criminal proceedings in the district of Montreal wherein this Penitentiary is situated. At the first term of the Criminal Court which was held a short time after the revolt, this gentleman took immediate steps as crown prosecutor to have those convicts who had risen in arms against the authorities of the Penitentiary, tried and sentenced. In vain did those poor men ask for time, and that Warden Laviolette be heard as a witness, on their side. In vain did Viau declare that he could not defend himself without the evidence of the Warden who then lay on his bed of suffering, and was declared by the surgeons attending him incapable of giving evidence even in his bed-room. Those convicts assured the Court that they were not the most guilty parties—that there were two parties in the prison, the Warden's and the Deputy Warden's party. "This man," said a convict in open court—pointing out an official of the prison—"this man is the cause of the revolt, etc., etc." Convict Viau's trial having been called, Mr. St. Pierre, advocate, who appeared for him, objected to his client being then tried, stating that it had been understood the previous day that his case would not come on the next day. Crown Prosecutor Ouimet answered that he had made known the fact to Mr. St. Pierre. The Court decided it was too late to take such an exception, that a jury had been sworn in and the case had to go on. Mr. St. Pierre left the court and the prisoner was left without a defender. He was sentenced to twenty-five years seclusion in the Penitentiary.

Why such haste in dealing with those convicts? They had to be kept in the Penitentiary for some years under a previous sentence, so that their trial for rebellion could be postponed without any injury to them, while in dealing with their case during this first term of the Court after their offence, it delayed the trial of other parties outside the Penitentiary who were under other criminal charges, and against whom a true bill had been returned by the Grand Jurors, but who still might be—as some were—acquitted on their trial. Yet, on account of the time taken for the trial of those convicts, they had to be kept in gaol or under bail until their trial had taken place. The course followed did an injury to both sides.

There is evidently something very extraordinary about all these troubles. It seems that the Government, their Inspector, and some of their friends were terribly afraid of going into a minute and searching investigation that might discover what was at the bottom of all these difficulties this prison was laboring under. It is evident that every circumstance which led to an enquiry was diverted, so that nothing should be brought to light. I leave to you, hon. gentlemen, to appreciate all the facts and all the circumstances I have revealed to you. I leave you to draw from them an honest and conscientious conclusion. For my part, I have already done so. You are responsible to God and man, as well as I am, for the performing of your duty in this respect, as well as in other parts of the administration of public affairs. I

feel I have done my duty. You, no doubt, will do yours. I leave the matter in your hands.

HON. MR. ABBOTT—My hon. friend in this speech, or factum, or argument, or whatever he may please to call it, appears to have dealt with three subjects to which, I understand, the question which he now puts me applies. In the first place he has dealt with the quarrels, intrigues and squabbles of the officers of the Penitentiary St. Vincent de Paul. I might say also of the convicts of that Penitentiary, since the hon. gentleman has quoted to us on a great many occasions the sentiments and opinions of the convicts on what the officers of that institution were doing.

In the second place he has dealt with the conduct of Inspector Moylan in inserting in his report a foot note which we heard of last session, speaking in disrespectful terms of my hon. friend.

In the third place, he has attacked the Minister of Justice, not only with reference to the administration of the affairs of his Department, but by charging him with very gross misconduct—even taking his second statement of the charge against the Minister, as the one involved in the debate.

Now, with reference to the first of those discussions, the conduct of this Inspector, of the officers of the Penitentiary, and the convicts of the Penitentiary, I would merely say this: that the Minister has made such an enquiry as he thought just and right into the facts as a departmental matter. He has arrived at a decision on it, and that decision has been communicated to Parliament and has been acted upon; and, as I perceived by the report which has just been laid before the House, the Penitentiary is being carefully managed, and everything is quiet and orderly about it. In respect of those charges, as to the details of the conduct of the officers, and their quarrels with my hon. friend it is therefore not the intention of the Government at present to take any further steps whatever.

With regard to the sentiments of the convicts on the questions in dispute, their sneers at and criticisms of the actions of the officers of the penitentiary; their regrets at the neglect to enforce the rule of the institution that a man should not be allowed to enter it smelling of liquor; and the very numerous allusions to them and their opinions, of which my hon. friend claims so intimate a knowledge neither, the Government, nor I hope anybody else, will take any notice of them, and I am very sorry that such statements should find a place upon the pages of the official report of our debates in this House.

With regard to the second point which my hon. friend asks about, that is to say, the intentions of the Government in respect of the foot note which has been placed by Mr. Moylan in his report; I have to say, as I said last session, that it was a most improper thing for Mr. Moylan to do—that he had no right, authority, justification or excuse, for adding such a foot note to a public report; that the Government reprobated it very strongly and as I stated last session, immediately on their attention being called to it, they had reprimanded Mr. Moylan severely, and were considering what further step they should take with regard to it. They also ordered immediately the remainder of the volumes containing this report to be withdrawn from circulation, so that after their attention was called to this footnote, no more of those reports were distributed. The Minister apologised to my hon. friend in person for the inadevertent admission of this foot note, in addition to the public apology which I made in the House on the subject. The further investigation of the matter led to this further punishment of the Inspector; he was entitled to an increase of $200 in his salary, which increase was withdrawn, and he was notified that he would not receive it and the reason for its being withheld. The only further step that the Government could have taken with regard to him was to dismiss him; but the offence was not considered of so grave a character as to justify the Government in throwing this man on the world. They therefore abstained from that extreme measure of vindication of the honor of the Senate, and I am in hopes that the House will concur with the Government in thinking that this man has been sufficiently pun-

ished for his misconduct, which was more a gross breach of decorum, than conduct which could be considered criminal.

Now, with regard to the third point of my hon. friend's address, and to the manner in which he thought proper to villify my hon. colleague, the Minister of Justice, I can only regret extremely that that gentleman is not here to answer for himself. If he were, I know that he would make such a reply to the malignant slanders cast upon him, as would be at once effectual and conclusive. That I cannot do, for I know nothing of the circumstances. I perceive that there has been a degree of exasperation, produced by constant squabbles and quarrels, prevailing amongst these guardians, jailers, officials and others, including the hon. gentleman, about the affairs of this Penitentiary; and that this feeling has been increasing, apparently, for the last three or four years; and this exasperation seems to have culminated in the insertion of this foot-note of Mr. Moylan, and now in the extraordinary effusion to which we have listened these two days. It was very improper, as I said before, and I do not excuse it: but, in view of all the facts, I do not think, the Government do not think, and I hope the Senate will not think, that this man should have been discharged from his employment and thrown upon the world in consequence of that indiscretion, however grave it should be considered.

But as to the statements which the hon. gentleman has made respecting the Minister of Justice, I venture to say this in his absence: that in so far as the hon. Senator imputes to him any personal dishonor, dishonesty, misconduct, or conduct unbecoming a gentleman, I say the imputation is utterly unfounded in fact—that neither the hon. Senator, nor any one else, can sustain, or has any grounds for making, such a charge against my hon. colleague; and that I and everyone who knows him, including, I venture to say, the great majority of this House and of the country, will feel such implicit confidence in his honor, as to disregard and disbelieve any such imputations as have been cast upon it by the hon. gentleman from Delanaudiere.

I think I have answered my hon. friend's question.

HON. MR. BELLEROSE—I beg to say to the hon. Minister, that as to the personal apology said to have been made by the Minister of Justice, there has never been an apology. The only thing which the Minister said to me when I went to his office was that the act of the Inspector was a disgrace to that official, that he had never heard of it, and that the footnote was put there by Mr. Moylan and that he had never seen it; and he sent for my original letter to show that there were no notes on it and the Inspector must have written it on the copy sent to the printer. If that is what is called an apology, it would not be considered one in my language.

HON. MR. ABBOTT—Yes, that is an apology.

HON. MR. BELLEROSE—In the language of my countrymen it is not an apology. When one is assaulted before the public it is no apology to go into a dark room and apologise there? Did the hon. Minister apologise even once for that man in Parliament?

HON. MR. ABBOTT—Yes. My hon. friend asks the question and I desire to answer it.

HON. MR. BELLEROSE—Never mind now. On Friday last what did I state in this House? I said I would speak on the Address on this question, because I did not know of anything that the Government had done since last session which would be an excuse for my not going further and I am forced by the Government to vindicate myself from the insults of Inspector Moylan. When did any member of the Government rise in his place and inform the House that $200 had been taken off the salary of Inspector Moylan, or who knew that he had been punished in that or in any other way?

HON. MR. KAULBACH—Yes, I knew it.

HON. MR. BELLEROSE—It may be known privately, but it has not been made known to the public. It is a very mild reprimand to say that no man can

excuse Mr. Moylan's act, that it is a very bad thing, and that an apology ought to be made ; but let that apology be given to the public. The hon. Minister says that the blue book was withdrawn from circulation after attention was called to the foot note in the report ; but the hon. gentleman will remember that every member of Parliament had got his copy and hundreds of them had been distributed throughout the Dominion. I regret to say that the statement of the hon. gentleman is not according to facts. If he will look into the documents of the session he will see that they have been printed again by the order of the Minister. The Committee never ordered it to be published in the documents ; the Minister ordered them as they are there. But the Minister did more than that. Far from apologising, in order that my own countrymen might be made aware of Mr. Moylan's opinion of me, he ordered the book to be translated into French and published during the recess. Is that an apology ? If that is the kind of apology which the Government makes, I must tell the hon. gentleman that amongst my countrymen it would not be considered an apology. I have always heard that the Minister was an honorable man ; what I said is there, and if I had not been forced by the decision of the Speaker to withdraw it I would not have done so ; but I may take some other means to defend my position and bring the matter again before Parliament, for I believe that any gentleman in the Commons or in the Senate may rise in his place and make a charge against the Government and ask for an enquiry.

HON. MR. ABBOTT—I rise again to a question of order. I do not think that the simple answer which I gave has given any opening to my hon. friend to renew his series of invectives against the Minister of Justice or recommence his discussion of the questions to which this speech refers.

HON. MR. BELLEROSE—I submit ; but my statement is true.

HON. MR. ABBOTT—I want to answer three remarks of my hon. friend. He says no public apology was given. I find in the official report of the Debates of last Session that I spoke as follows when my attention was called to this matter on the second occasion :—

"I brought the matter more especially under the notice of the Minister of Justice in whose Department this officer is, and I can assure the House that my colleagues feel as warmly as this House can do, the gross impropriety that has been committed by the official, inserting this note in the report without the authority of his superior officer, and in contempt of this House. I may say that he has received a very severe reprimand and steps have been taken to mark the sense of the Government in another way, and it is now under consideration what further steps will be taken on the subject."

That was my remark on the 14th of June last, to be found on page 377 of the official report of our debates. The House adjourned on the 23rd of June, so that there was not time to decide and communicate to the Senate what further punishment the Government were disposed to inflict upon the Inspector of Penitentiaries, but I do not think that any stronger language could have been used as to what the Government thought of the conduct of that official. My hon. friend complains that he did not know that Mr. Moylan was punished by the taking of $200 from his salary—in reality degrading his position. The House is only a few days in session, and this discussion has come up as one of the first things before it, and I do not know what earlier occasion my hon. friend could expect us to take to announce to the House what the Government has done in this matter, in addition to that which was announced at the end of last session. My hon. friend also states, with regard to those reports, that I am misinformed and that I do not know. I do not pretend to say that what I state is infallible, but I give my authority for it. The gentlemen in charge of the records of this House, when I applied to him for a copy of this blue-book, on my hon. friend first giving notice of his intention to call attention to it, informed me that it was impossible to get the book, as it had been withdrawn, but that he would send me one confidentially, which he had under his private seal. I wrote him to know exactly what had occurred, and he then told me that

immediately after the discussion in this House last session, the Minister had sent over to his Department, and had caused every book to be gathered up and taken away, and no reports were afterwards issued. I do not see how the Minister could have abstained from causing the book to be translated. It is a part of the rules of the House—part of the constitution, that the reports published in one language shall be published also in the other. I do not know how far the French copy was circulated, and unless my hon. friend makes a substantive statement to that effect, I doubt if it went further than each member of Parliament getting a copy.

HON. MR. BELLEROSE—I accept what the hon. gentleman says, but when the Minister had caused the books to be brought to his office, why did he order that the same books should be printed in the Sessional papers to be spread over the whole country during the recess, and why did he not give orders that that portion of the book, which was his property, should not be translated into French? Then as to the reduction of the Inspector's salary, if the Minister had been willing to show me that he disapproved of Mr. Moylan's conduct, he could have written to me that the Inspector had been punished and what the punishment was. At all events, he led the public to believe that I am a very mean man, and I believe that he is a very respectable man.

HON. MR. ABBOTT—Does my hon. friend allude to me?

HON MR. BELLEROSE—No, I do not. As to the $200 reduction in the Inspector's salary I have only heard of it recently. The hon. gentleman only knows what he is told, but I know what I have seen and heard, and I am ready to stand by it, even with the Minister trying to deceive the House.

HON. MR. ABBOTT—I must rise to a question of order.

HON. MR. BELLEROSE—Then take my words down and there will be an enquiry into my statements. Take my words, Mr. Clerk! This time I am with the leader of the House. ! !

HON. MR. ABBOTT—I have not taken exception to any words of my hon. friend—not lately at least. I simply object as a matter of order to my hon. friend getting up so often to address the House. I understand that the ordinary rule of debate is that an hon. gentleman makes his speech, he is answered, and then the mover is entitled to reply, after which the debate closes.

HON. MR. BELLEROSE—I began, you answered and I replied.

HON. MR. ABBOTT—The hon. gentleman spoke three times, made three assertions of fact, which I asked leave of the House to explain, and the House allowed me to do so, but that is not debate, and I submit my hon. friend is out of order.

HON. MR. BELLEROSE—The hon. gentleman spoke also three times, so that having the reply I have a right to speak four times. Nevertheless, I submit.

The Senate adjourned at 9.35 p.m.

THE SENATE.

Ottawa, Friday, March 2nd, 1888.

THE SPEAKER took the chair at 3 p. m.

Prayers and routine proceedings.

AN ADJOURNMENT.

MOTION.

HON. MR. OGILVIE moved

That when the House adjourns to-day, it do stand adjourned until Tuesday, 20th March, at half-past eight o'clock in the evening.

HON. MR. ABBOTT—It appears to me that an adjournment for so long a period would be inconvenient. Easter

comes about the end of March and if we adjourn until the 20th, we would find ourselves on our return on the eve of another adjournment, without having sufficient time to attend to business that might be on the paper. We might adjourn until Tuesday week, without any serious interference with the public business, and we would have time enough to attend to any business that might come up to us before the Easter holidays. I would suggest to substitute the 13th for the 20th.

HON. MR. DICKEY—I entirely concur in the reasons given for objecting to this motion in its present form, and I am glad that the Leader of the House has at last taken the responsibility in this matter which I think properly devolves upon him. It has become a most inconvenient practice in this House that private members are allowed to bring forward these motions affecting the business of the House; the duty properly belongs to the Leader and to the Government, and the responsibility should not be thrown on any individual member of proposing such an adjournment, nor should the House be subject to these repeated motions unless they come from the responsible Leader of the Senate. The long adjournment of nearly three weeks has been proposed in order to enable representatives of the Maritime Provinces to go home, but there is no consideration for their return in time. They could not get back here on Tuesday unless they left home in the latter part of the previous week. They could not reach here before the Wednesday sitting if they remained at home over Sunday. The framer of this resolution had in view simply the convenience of members from Ontario and Quebec. The Maritime members are overborne in this matter, not being in the majority, and must take whatever is given them. Certainly no consideration has ever been extended to the convenience of the Maritime members. Why should not this adjournment be for a week, and in computing that I am perfectly willing to let the adjournment be until Monday the 12th. That would be simply an adjournment for a week, and at this stage of the Session I think we should not object to it, though I should infinitely prefer to have no adjournment at all. Within twenty-four hours a member of the Government in the other House declined to fix Wednesday for the consideration of an important motion relating to the Combine, on the ground that even that day he was not sure of, and he might have to take it for the purpose of laying before the House the protocols of the Fisheries Treaty. It is at such an important time as this that we are asked to suspend our functions and go home for more than a fortnight. I think in all fairness that my suggestion ought to be accepted as a compromise, and even in doing that I feel we are placing ourselves in a most invidious position before the public and at the same time perhaps exposing ourselves to a charge of neglecting our duty in important public matters which should come before us in the meantime. Will the hon. gentleman substitute Monday, the 12th, for Tuesday, the 20th March?

HON. MR. ABBOTT—My hon. friend and I differ a little in our appreciation of the position of these motions for adjournment. The Government do not want to adjourn the House. They have no desire to dispense with the valuable services of the Senate. It is the members of the Senate themselves, as I understand it, that desire an adjournment. When any member of the Senate moves for an adjournment, then the Government take the responsibility and I am prepared to assume the responsibility of expressing an opinion, subject to the opinion of the House, as to how far the adjournment asked for is consistent with the effective carrying on of the public business. That I think is the proper position: it is not for the Government in this House to initiate adjournments. I do not think it has ever been done, and I do not feel disposed to inaugurate that proceeding myself. My hon friend from Amherst gives this matter more importance than it deserves when he speaks of an adjournment until Tuesday, the 13th, as a sort of oppression of the minority by the majority. I understood that scarcely any member from the Maritime Provinces would go home for so short an adjournment as I was willing to recommend to the House, and the ques-

tion was considered with reference to those who would probably go home, and it was understood that probably none or very few would go who had further to travel than the boundaries of Quebec or Ontario. But my hon. friend, in making his suggestion, is reversing the order of things with a vengeance: he is proposing that the majority shall be governed by the minority, which is worse than a minority being subject to a majority. If any number of members from the Maritime Provinces desire to avail themselves of this adjournment I see no objection to extending it until Wednesday: that would be better than putting hon. members from Ontario and Quebec to tha inconvenience of leaving home on Saturday in order to be here for Monday.

HON. MR. OGILVIE—I have never seen an adjournment of this House take place without due consideration for the convenience of members from the Maritime Provinces. I do not know any rule of the House which will prevent a member making a motion if he wants to do so. I am willing to accept the suggestion of the Leader of the House and substitute the 13th for the 20th.

HON. MR. HAYTHORNE—I am altogether opposed to these adjournments on the ground that they are derogatory to the position of the Senate in the country. They give rise to attacks upon the character of this House. I believe those attacks are groundless, but to adjourn for the long period suggested is to give to those who object to the Senate a real ground on which to base their objection. The grounds now alleged are almost purely imaginary, but to repudiate our obligation to proceed with the public business at this time of the session, and particularly with an important Treaty to be laid before Parliament shortly, I think would be most injudicious. Moreover there are other descriptions of business which will be at a standstill if this adjournment is granted. The Committee moved for by the hon. member from Barrie, and organized this morning, will be unable to proceed with its business until the House resumes. These are tangible objections, altogether irrespective of the convenience of members. I have always objected to these adjournments and I have heard nothing to reconcile me to them.

HON. MR. DICKEY—The Leader of the House takes issue with me as to his duty to move for these adjournments. I would call his attention to the fact that the other day the leader of the new Government in Manitoba, Mr. Greenway took the responsibility himself of moving an adjournment of the House for a considerable period.

HON. MR. ABBOTT—Surely my hon. friend must see the difference between that case and this. Mr. Greenway declared that important public business required the presence of himself and some of his colleagues at Ottawa, and therefore he asked the House to adjourn to enable him to attend to official business. In this case, the adjournment was asked for by the hon. member from Alma for the convenience of members.

HON. MR. KAULBACH—The adjournment can only be asked for on the ground that we have nothing to do. But the House has been busy since the opening of the session and a great deal of work which is usually done in the early part of the session has been delayed because of the uncertainty whether the Senate would adjourn or not. I know some important business was to have come before a Committee, of which I am a member, to-day, but in consequence of this anticipated adjournment it has been postponed for an indefinite time. I am sure there is business demanding the attention of the Senate if we would only look after it.

HON. MR. DEBOUCHERVILLE—I differ from my hon. friend from Amherst on the point which he has raised. He thinks the Government ought to take the responsibility and lead this House as it does the House of Commons. There is a great difference between the two. In the House of Commons, if the Government cannot lead it must resign; but in this House we are more independent and the Government may exist without having the support of the majority. Some years

ago a Government was in power which had not a majority in this House.

The motion was amended by inserting "thirteenth" instead of "twentieth," and agreed to.

THE INTERCOLONIAL RAILWAY

INQUIRY.

HON. MR. ODELL, rose to :

"Call the attention of the House and the Honorable the Leader of the Government to the action of certain persons connected with the management of the Intercolonial Railway trains, by whose directions the passengers leaving Halifax on Monday, the 27th inst., were, in an arbitrary, summary and unnecessary manner ejected from their Pullman or sleeping carriage at River du Loup on the 28th, without any suitable provision having been made for their accommodation on their journey thence to Montreal ; no accident having occurred to the train or carriage, in which they held their seats, and no obstructions existing on the road."

He said—I desire briefly to explain to the House my reasons for putting this notice on the paper. Having been a passenger on the train to which I allude, it may be supposed that this is a personal matter altogether. I disclaim that. What I am doing now is on behalf of passengers generally whom I told when we got into this difficulty that I would require some explanation of it. The facts are simply these : I, with some eight or nine persons left Halifax on the 27th of February. We all had paid our fares and held our tickets in the Pullman which was to run from Halifax to Montreal. The day was very fine, the road very good, and we met with no accident of any kind, either to the train or to the carriage in which we were or to any other car in the train. Shortly before our arrival at Riviere du Loup the conductor came to us and said : "Gentlemen, I shall have to ask you to leave this carriage on arrival at Riviere du Loup." We inquired why, but the only reason assigned was that a telegraphic dispatch had been received, asking the superintendent at Riviere du Loup whether he could make arrangements whereby the passengers should leave that Pullman and allow it to be appropriated by the passengers who were on their way from Montreal to the east. We objected to this, and I suggested to a number of my fellow passengers that we should refuse to leave the car and take whatever consequences might ensue. I am very sorry that I did not remain in the car, for had I known anything of the proposed adjournment I could have spent a few more days at home. We were then assured that if we would consent to leave the Pullman and take an ordinary carriage from Riviere du Loup to Point Levis we would there meet a Pullman ready to take us on to Montreal. On remonstrating, the superintendent said "Gentlemen I can do nothing ; there are my orders and I have to obey them." One could not very well answer that. The person in charge at Riviere du Loup was absent at Point Levis and the one to whom I spoke had been left in charge. We discussed this matter, and I was one of those who went as a sort of deputation to him. When we found that he could do nothing we debated the matter a little and then we thought as we were assured that there would be a Pullman at Point Levis to meet us, it would be rather like the dog in the manger if we were to refuse to run from Riviere du Loup to Point Levis, and we reluctantly consented. When we left the office at Riviere du Loup, the first thing we heard was "all on board for Quebec," and had to rush down to our Pullman. We found it detached from the train and we had to get such small things as we had with us there and immediately take an ordinary carriage on the train. We were put into what I think was a miserable carriage, very dirty and heated with a stove at each end to such a degree that the air was foul and vitiated. We had no choice : we had to take that and go on to Point Levis.

We arrived there that night, and I immediately went to the office to see the Superintendent and ascertain about our Pullman, in preference to going as some passengers did, directly up to the hotel and getting my tea. I could not find anyone in the office, and it being dark, it was difficult to find the Superintendent who was on the platform, but I found him on the platform and I asked if the Pullman was ready to take us on to Montreal. He looked rather surprised

at my question and said, "Pullman ! why there is no Pullman." I said there must be one. He said he did not know—that he would enquire if there was one in the yard. He then found somebody I suppose who had charge of the yard, and he said, " No, there is no Pullman." I said, " There must be one, for we were assured that it would be here for us, and I understood from the conductor that something had gone wrong with the wheels of the Pullman which had left Montreal for Halifax, and that it would be repaired and made ready to take us on," and repeated, " The Pullman must be here." On further enquiry I found that the Pullman (which I was told was the "Amherst," belonging to the Intercolonial Railway), had come down there, on the way from Montreal to Halifax, and on reaching Point Levis, four wheels were discovered to be out of order. I said it was a very extraordinary thing, and I think still, that if that Pullman had been in proper condition when it left Montreal, without any accident happening, the road bed in perfect order, four wheels could not have been damaged in that distance under the circumstances. I therefore inferred, and I think I am right in drawing the inference, that that Pullman was not in proper condition when it left Montreal en route to Halifax, otherwise this difficulty would not have occurred, The telegram, I understand, came first from Halifax or somewhere in that neighborhood. It was sent to the operator at Riviere du Loup, the person there in charge not being the principal, who was absent at Point Levis, sent to that station asking the principal whether he should make this change and whether we should have to leave the Pullman, His answer was " Yes, the change was to be made." He being at Point Levis at the time, I contend it was his duty before he answered " Yes " to have ascertained distinctly what arrangements could be made and whether the intimation that was sent to us that a Pullman would be ready, would be fairly and fully carried out. Instead of which, as I have said, when we arrived there was no Pullman whatever to take us on, and we had to continue our journey in an ordinary carriage. When I found this was the case I thought that my best course was to see immediately what sort of a seat I could get in that carriage. When I got into it, I found all the best seats occupied by persons on their way westward. At last I found that there was nothing for it but to take a seat immediately over the trucks, and I had to turn the seats fore and aft to make a place where I could possibly stretch my legs. Had I not done so I should not even have had that accommodation. A number of my fellow passengers went up to the hotel to get their tea and when they came back there was no room for them. A carriage was then attached, and they were put into it and they were carried in that for a short distance—I cannot state exactly how far—when that was detached, and they were all again shown into the carriage that I was in, and in this way I may say I was curled up like a dog on a mat, shaken with the trucks, and disturbed with way passengers coming in and out, and a great deal of noise, both of conversation and squalling children, and in that way we had to make our journey from Riviere du Loup to Point Levis.

HON. MR. DEVER—You mean you travelled all night without a Pullman.

HON. MR. ODELL—Yes.

HON. MR. MILLER — You mean from Point Levis to Montreal.

HON. MR. ODELL—Yes, at night. We had to leave our Pullman at Riviere du Loup; so that we were absolutely from Riviere du Loup to Montreal without a Pullman.

HON. MR. DEVER—It would not have been so bad in daytime as at night.

HON. MR. ODELL—What I want to get at is this: by what right are passengers ejected from their carriage, whether Pullman or not, when no accident whatever had happened, and everything was smooth and in good order? We had our tickets—I possess mine at the present moment, which I contend is a contract between myself and the Intercolonial Railway that guaranteed me a through passage to Montreal, and that

contract was broken, and there ought to be some remedy for it.

HON. MR. DEVER—Did you get back your money?

HON. MR. ODELL—With regard to getting back the money, I will explain that: the conductor came round with some slips and suggested that the passengers should give up their tickets and take the slips which would enable them hereafter some time or other, by making application somewhere or other sometimes he said to Moncton and sometimes somewhere else, and if they would accept some trifling sum they might get it in that way as a compensation. When he came to me, I said "No, I will not give you my ticket; I hold that as a contract between myself and whoever has charge of the road, and I will not accept that slip, because if I do I am making a compromise with you by accepting it, and will have to take whatever you choose to give me." I would not accept; I hold my ticket still. We had to submit to this until we arrived at Montreal. Where the blame lies I am not prepared to say, but I wish in conclusion to ask a question or two of the Government which I hope they will permit me to do, and that they will give me a satisfactory answer. My first question is: whether there are any regulations or rules by which passengers who have paid their fares and hold their tickets for Pullman or other carriages en route on the Intercolonial Railway, can be required to leave them before arriving at their destination when no accident or injury whatever has occurred either to the train or to the carriage in which their seats or beds have been allotted, and under what circumstances such ejectment can be made?

2. Why no steps were taken at Rivière du Loup or Point Levis to provide proper accommodation for the passengers ejected in an arbitrary manner from the Pullman "Miramichi" on the 28th February at Rivière du Loup for pursuing the remainder of their journey thence to Montreal, and who is responsible for the neglect?

The Department here may undertake to say that this was a Grand Trunk Railway affair. My answer to that is, I have had nothing whatever to do with the Grand Trunk Railway; my arrangement was with the Intercolonial Railway and the Intercolonial Railway was bound to see that I had the accommodation that I had paid for.

HON. MR. MILLER—The breach of contract commenced on the Intercolonial Railway.

HON. MR. DICKEY—Riviere du Loup is 170 miles below Levis on the Intercolonial Railway.

HON. MR. ODELL—Yes. Why this change was made I cannot understand. There was something behind the whole thing that I want to get at. If there was any damage, which they say was discovered at Point Levis, to the wheels of the Pullman that we should have had, the persons who met with this accident were the ones who ought to have suffered. Now, look at it in this light: if they had been obliged to follow on their journey, they would have had but one night to spend between that and Halifax, just as we had one night to spend under the circumstances I have detailed on the way to Montreal. Then it could not be a question of miles, and it could not be exactly a question of the number of passengers, for if that point was raised we were the larger number, as I understood from the conductor afterwards there were but five passengers on that down train. Therefore there must have been some reason which is not apparent, why our party who had met with no mishap should have to give way to the other party who had met with a mishap. It appears to me therefore that it is a matter which ought to be explained satisfactorily to the passengers, otherwise this might happen at another time, and I want to know where the authority came from and under what rules and regulations such a state of things can be insisted upon. I may add that, when I stated to the superintendent at Point Levis that there must be a Pullman there—that one had come down which was injured in the wheels, and we were told that wheels were being put on, and it would be ready for us, he stared at me

and said "wheels! How could I put wheels on when there are no wheels here?" Now, I do not say whose fault it is, but there does not seem to be any means there of repairing slight injuries to a carriage.

HON. MR. ALMON—I am very much obliged to the hon. member from Rookwood for having brought this matter before the House. I intended, as I did last year, to have asked the Government why the train which I came up in was so long delayed on the road and did not reach Point Levis until long after the hour it should have arrived. I left Halifax on the 20th, at the usual hour—I think, half past one o'clock. We were due at Moncton at half past nine. The reason I know half past nine was the hour is, that Mr. Kenny, member in the other House, wrote to Mr. Pottinger to say that a number of other members were going up, and that if there was a Pullman leaving on Tuesday it would be more convenient for them, as they would be able to reach here on Thursday in time for the meeting of the House. Mr. Pottinger wrote down to say that he had no Pullman to send down, but if the gentlemen went in the common cars that they could get into the Pullman at Moncton at 9:30, which would be a convenient time to go to bed. To my astonishment, as we were going along, I found there was an empty Pullman behind us, and I asked the conductor what it was. He said it was an empty Pullman going up to Moncton. Instead of reaching Moncton at 9.30, which Mr. Pottinger said would be a nice time to go to bed, it was after midnight, nearer one than twelve, and two or three members from St. John got in. We went on and stopped at every station along the line: Mr. Smith told me there was snow on the road, but there was not snow on the track. I took that answer last year with a great deal of complaisance, because it was a verdict of not guilty, but do not do it again. Still it has been done again. We were due at six o'clock at Point Levis. If we had got there at that time, we would have been able either to have taken the train that comes in later, and have gone on by the Grand Trunk Railway, or crossed over by steamer to Quebec and gone on by the Canadian Pacific Railway; but we did not get in until one o'clock, and therefore were too late for the train to take us by the Grand Trunk Railway, and too late to go over to Quebec, and I was obliged to remain for the night at Point Levis, and go over next day to the Canadian Pacific Railway. It has been suggested that we should make the Canadian Pacific Railway a Government road. It would be extremely inadvisable to do so. Any one who has passed over the Canadian Pacific Railway knows that he can take out his watch and calculate to a minute the time he will arrive at the different stations. I would not like to try that on the Intercolonial Railway. The roadbed of the Intercolonial Railway is good, and the Pullman car in which I rode was an excellent one; but the constant delays, without any apparent reason, are aggravating, when you feel that the railway authorities are destroying the object of your journey. There is a delay of twenty minutes at Truro for a meal, and then another delay at Amherst, only sixty miles distant, for another meal. The proper way would be to take breakfast at one station on the up train and supper at the other station on the down train. I am very glad that this matter has been brought before the notice of Parliament. Perhaps the reason of the difficulties which are experienced is that the head office is situated at Ottawa instead of at Moncton or Halifax, and nothing can be done without telegraphing to head quarters—not even the most trifling thing. I hope it was not at head quarters the mistake was made, that a Pullman was not sent to us.

HON. MR. ABBOTT—With reference to the statement of hon. gentleman from Halifax (Mr. Almon) who gave no notice that he would bring before us the discomfort he has been subjected to, I shall take occasion to call the attention of the Minister of Railways to it as soon as the official report of this debate is published, in order that I may give him an answer. There is one portion of his statement easy of explanation—that is, as to the Pullman to Moncton. If my hon. friend and his friends had been put in a Pull-

man car at the point of departure, they would have been exposed to considerable discomfort if they had to be turned out of it at the junction.

HON. MR. ALMON—If we had, we would have met the Pullman from St. John, and would merely have the trouble of being turned out from one into the other.

HON. MR. ABBOTT—If the trains had arrived on time there would have been no discomfort, those hon. gentlemen would have passed from the ordinary car into the Pullman from St. John at half past nine.

HON MR. MILLER—The point which the hon. gentleman from Halifax wishes to make is that when Mr. Kenny inquired if a Pullman could not be put on the line on Tuesday, Mr. Pottinger replied that there were no Pullmans at his disposal. In opposition to that statement, on Monday two Pullmans went up, one of them empty. The hon. gentleman complains that that Pullman was not put on on Tuesday to accommodate passengers.

HON. MR. ABBOTT—I conjecture from what my hon. friend says that the explanation is easy. I presume that the Pullman which went up empty was intended to go to St. John—to take the passengers coming from Point Levis for St. John to their destination, and the other was to take the passengers coming from Point Levis for Halifax to Halifax. I do not say that it is so ; I do not know anything about it, but I conjecture that that is the case. If my hon. friend had told me yesterday that he intended to bring the matter before the House I would have tried to get the information for him.

As regards the other circumstances to which my hon. friend from Rookwood called attention, I sent his notice to the Department, requesting that a report might be obtained, giving all the facts. Of course, one cannot help regretting that hon. gentlemen should be exposed to such discomfort as my hon. friends were. A certain amount of discomfort occasionally is incidental to all railways. They are dependent to a certain extent on the weather to make regular trips and to make connections on time. The hon. gentleman made a contract with the Intercolonial Railway to carry him up to Ottawa, and he should not have been exposed to the discomforts which he describes. At the same time, if I may be permitted to offer a conjecture as to that also, the explanation is plain. The Pullman going down eastward became disabled at Point Levis. The Pullman in which these gentlemen were coming from the East it was necessary to appropriate in order to carry the passengers to the East and give them some place to sleep in during the night. My hon. friend asks why should they be made to suffer while those who were on the car which broke down were to be accommodated with the car in which he was ? The answer is this : the night train of the Grand Trunk Railway from Point Levis usually has a Pullman attached to it in which it was expected those gentlemen could take their passage to Montreal ; so that in the case of those passengers going westward the only discomfort would be the sitting in an ordinary first class car from Rivière du Loup to Point Levis while those going the other way would have to pass the whole night in a first class car ; so it was a reasonable consideration that if the western bound passengers could get a Pullman at Point Levis it would be better that they should suffer the discomfort from Rivière du Loup to that point than that those going down should pass the whole night in a first class car.

HON. MR. ODELL—We had to do that.

HON. MR. ABBOTT—But there is ordinarily a Pullman attached to the Grand Trunk Railway, and I do not know why it was not on that occasion.

HON MR. DICKEY—Because the Intercolonial Railway train was three hours late in getting to Point Levis—too late to connect with the regular trains.

HON. MR. ODELL—The explanation is simply that this was the car which left Montreal in the morning on its way to

Halifax. It was coming down and we were coming up, and there could be no other Pullman.

HON. MR. ABBOTT—Yes, I have often travelled on the Pullman from Point Levis, and I have frequently observed that there was a Pullman for the ordinary traffic on the Grand Trunk Railway from Point Levis to Montreal. As the hon. gentleman has kindly handed his questions to me I shall send them over to the Department and endeavor to get an explanation for him.

HON. MR. POWER—Perhaps when the leader of the Government is getting the information which he has promised he might also make some enquiry as to why it is that during the past season the mail trains have run so irregularly over the Intercolonial Railway. In former years when the road was out of order, when there was any reasonable ground for the detention of trains, we expected that they would be detained, and made a reasonable allowance for that; but during the past year, not only in the winter season but in the summer months as well, it has been rather the exception that the Intercolonial Railway trains got to Halifax in time, and the general rule has been that the trains were late. In the face of the fact that during the past year the balance against the road has been something over $300,000, this condition of things is not justifiable, and I hope the hon. gentleman will endeavor to ascertain why it is that the road is run in that manner. It may be that the present Minister of Railways looks forward to an early change in his short line, and he wishes that the change should be so striking as to impress the public.

HON. MR. ABBOTT—My hon. friend must perceive that this is rather overwhelming me with informal questions. If the hon. gentleman desires to know the particulars of the management of the Intercolonial Railway generally during the past year, it seems to me that he ought to formulate a question and give notice of it, and I will endeavor to give my hon. friend a reply; but to bring up in conversation so important a matter as the management of the Intercolonial Railway during the past year is pressing the informal character of this discussion too far.

The subject was then dropped.

PETITIONS FOR PRIVATE BILLS.

MOTION.

HON. MR. ABBOTT moved that the time limited for presenting petitions for private bills which expires on Monday the 5th inst., be extended to Saturday the 24th inst.

The motion was agreed to.

PRIVATE BILLS.

MOTION.

HON. MR. ABBOTT moved that the time limited for presenting Private Bills, which expires on Thursday, the 8th inst be postponed until Wednesday, the 28th inst. inclusive.

The motion was agreed to.

The Senate adjourned at 4.40 p. m.

THE SENATE.

Ottawa, Tuesday March 13th, 1888.

The Senate met at 8:30 p.m.

Prayers.

A CHAIRMAN APPOINTED.

THE CLERK made the following announcement—Hon. gentlemen it is my duty to inform your honors of the sudden demise of the Hon. the Speaker of the Senate, the Hon. Josiah Burr Plumb, which took place yesterday morning at his residence at Niagara, Ontario.

HON. MR. DICKEY—After the melancholy announcement which we have just heard it becomes my duty to make a suggestion to the House. It is the first occasion, I believe, on which

we have been required to perform this sad duty in consequence of the death of a Speaker during the Session, and there may possibly be some difficulty in the minds of hon. members on the subject, as there was before I looked into it in my own. I may say at the outset that I am quite of the opinion that the House, regularly met now in consequence of a legal adjournment, has the power, as a constituent body of appointing one of its members to preside temporarily over its proceedings, and as our rules require that in all unprovided cases we should follow the rules and usages of the House of Lords, I have no hesitation in saying that according to my present impression we have the power which has been exercised in the House of Lords, of appointing temporarily a Deputy Speaker until the Crown appoints another Lord Chancellor, who is the Speaker of the House of Lords, as the Speaker appointed here is the head of the Senate. I say this because there are precedents for that laid down very clearly in May. At the same time we are placed in some difficulty here in consequence of there being abundant precedents in the old Parliament of Canada, and one certainly in this present Dominion in a previous Parliament, where in consequence of the absence of a Speaker it was necessary to take action as we are required to do now. I say in consequence of the absence of the Speaker, because as I have explained there has been no case of the death of a Speaker during a sitting of Parliament. I may venture to suggest to the House that instead of starting out upon an adventure of assuming new powers which possibly may be questioned hereafter, it would be just as well for us to follow the precedent which was adopted here in 1872. Assuming, as I have already said, that we have the inherent power, being regularly met here, of appointing a temporary chairman, just as if the head of the House were struck down in harness in the performance of his duty, I think we may do so, not perhaps so much for the purpose of doing business as of postponing the meeting of the House until a future day. On a former occasion, to which I have alluded, in consequence of the then Speaker being prevented from coming to the House, the Senate having regularly met as we have met now, called upon one of the oldest of its members, the late Hon. John Hamilton, of Kingston, to take the chair. He took the chair by consent of the House,—and I hope we shall do everything that we are going to do here to-night by unanimous consent—the House was declared adjourned for several hours until the arrival of the Speaker, when they proceeded to business. I propose that we take this course to-night—that we ask a gentleman to take the chair for that purpose. Then I shall have to state to the House that I am taking this course and acting in this way in consequence of another unfortunate circumstance, the detention of the leader of the House owing to the snow blockade. Under all these circumstances I take it for granted there can be no hesitation in acting upon my suggestion that one of the oldest members of the House shall take the chair and that we shall by consent adjourn to a future day, in order that we may keep in line and not be open to the charge that we placed ourselves in a wrong or unfortunate position. I was about to propose that Mr. Flint should take the chair, but he is not here. Mr. Ferrier is also absent. We have Mr. Armand, Mr. Ryan, Mr. Botsford and Mr. Chaffers. If Mr. Armand is willing to take the chair I think we should follow the precedent of taking the oldest member present.

HON. MR. ARMAND—(in French) I must decline the honor which you propose to do me. I have not the advantage of speaking the two official languages, and I think it would be more convenient that we should have a chairman who has a knowledge of both French and English.

HON. MR. ALEXANDER—From my imperfect hearing I had not the advantage of catching the remarks of the hon. member from Amherst, but I am given to understand that, having studied the records of the House of Lords, he thinks the wisest course would be to nominate the oldest member of the House as a temporary Speaker.

HON. MR. DICKEY—I quoted the precedents of the House of Lords to show that we had power to appoint a temporary Speaker when there was no Speaker, but I said there were precedents in this Parliament for some member taking the chair, as was done in 1872.

HON. MR. ALEXANDER—The first thought that must have entered the minds of all of us is to pay the last tribute of respect to our late Speaker.

HON. GENTLEMEN——No, no; organize first.

HON. MR. ALEXANDER—Then if we must organize first the question is what course can we legally pursue. The Clerk of the House, in my opinion, might perform all the duties of a chairman as we have nothing before us.

HON. MR. HOWLAN—I quite agree with the remarks which have fallen from the hon. member from Amherst. We have power to appoint a chairman. In 1872, on the occasion to which the hon. member referred, the journals of the House state that the Clerk of the Senate informed their honors that "owing to an accident on the Grand Trunk Railway, the hon. the Speaker could not be in attendance this evening for at least an hour," whereupon the Hon. Mr. Hamilton was requested to take the Chair. The Hon. Mr. Hamilton took the Chair and the House adjourned until half past nine in the evening, when the Speaker having arrived, business was proceeded with. That precedent we can follow. We can ask some member to act as Chairman and adjourn. Mr. Armand having refused to act, we might proceed to the next oldest member on the list, Mr. Chaffers. If Mr. Chaffers declines, I move that Mr. Ryan take the Chair.

HON. MR. DICKEY—Will Mr. Ryan take the chair?

HON. MR. RYAN—If the House think it necessary to have a chairman, and I can accommodate them, I will take the chair.

Mr. Ryan then took the chair amid applause.

HON. MR. DICKEY—As we are now organized I will simply suggest to the House that in accordance with the view I have expressed we should not attempt to do any business to-night except to adjourn. As a matter of good feeling and propriety no one, I take it, would propose for a moment that we should suggest a shorter period than until after the funerel of the deceased and the last duties are paid in another place to his memory. That would necessitate an adjournment until Friday night and I have been asked to announce on behalf of the Government that in the peculiar circumstances of this very sad and sudden event the House would kindly take this matter into consideration and, as no business can be done apparently this week, adjourn until Monday next, at 3 o'clock. I make the suggestion to the House for their general concurrence, in accordance with the precedent which has been cited. On that occasion there was no particular motion made, but a member was called upon to take the Chair and having taken the chair, this is the record—"The Hon. Mr. Hamilton took the chair accordingly and by consent of the members present declared the House adjourned" until a future period. I propose that by consent this should be the deliverance of the Chairman: "By consent of the members present and out of respect to the memory of the late speaker, the Hon. Mr. Plumb, I declare this House adjourned until Monday the 19th instant, at three o'clock in the afternoon."

HON. MR. POWER—I do not like to differ from my hon. friend from Amherst; but I think that a legislative body can only speak through the voice of its members upon a vote duly taken, and I do not think we are in a position to adjourn from to-day until Monday without a vote of the House. Of course the vote will be unanimous and there is no other way known to the law or Constitution by which the House can express its will. I hope the Hon. gentleman from Amherst will move a resolution to the effect of the memorandum which he has just read. It must be remembered that the precedent to which he has referred was a totally differ-

ent case from this. On that occasion a train was late, and the Speaker was expected in the course of the evening, There was a general consent that no business should be transacted until the arrival of the train: but this is a very different thing. There are several items of business set down in our orders for this evening, and these have all to be postponed until next Monday. I think there should be some record of the House to show that that was decided upon. The hon. member from Amherst in order to keep things right and in correct Parliamentary form should embody in a resolution the suggestion he has made.

Hon. Mr. DICKEY—I am exceedingly obliged to my hon. friends for the suggestion he has made, It must be apparent, from my remarks, that we have the power if we chose to do so, and I have no objection to taking the course which has been suggested, although I prefer following the precedent of 1872. I would therefore beg to move as a resolution the suggestion I have made, and in the absence of the leader of the opposition I would request my hon. friend from Halifax (Mr. Power) to second the motion.

Hon. Mr. SCHULTZ—Before the motion is put I would like to make a suggestion: We have by motion transferred Hon. Mr. Ryan to the Chair. It is a little unfortunate, in my opinon, that the motion was made at all, for if we wish to follow closely the precedent of 1872, it would be better to have it recorded in our minutes and in the official report of the Debates that Hon. Mr. Ryan took the chair on the suggestion of hon. members and not upon a motion carried by the House.

Hon. Mr. POWER—That is what has been done.

Hon. Mr. GOWAN—I am sorry to differ from my hon. friend, the senior member for Halifax. I think it would be very much safer to follow the precedent which has been established in the past—simply to do as was done in 1843 in the old Legislative Council—let the entry be by general consent. Again in 1858 a similar question arose.

Hon. Mr. POWER—I would ask my hon. friend how it can be ascertained that the general consent of the House has been given except by question put and vote taken?

Hon. Mr. GOWAN—If no one objects! You have objected, and I was going to point out to you what the precedent has been in the past. I have no doubt that the inherent power exists with the House to adjourn, but what was done in 1872 is the only precedent we have had since Confederation, and it would be safer to follow that, and that the House should adjourn by consent. A very serious question may arise in taking any other course, and it would be far better for us, I think, to follow precedent; although I quite agree that the inherent power exists in the Senate to meet any emergency which may arise, although not distinctly provided for either in the rules or by statute. The statute is very specific in regard to who has to appoint and how the Speaker of this House is appointed, and I think it would be safer to follow the course suggested by my hon. friend opposite (Mr. Dickey).

The suggestion made in the written paper handed in by the hon. Mr. Dickey, was then put as a resolution, and agreed to unanimously.

The Senate adjourned at 9:15 p. m.

THE SENATE

Ottawa, Monday, March, 19th, 1888.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE HART DIVORCE BILL.

Hon. Mr. HAYTHORNE, from the Committee on Standing Orders and Private Bills presented the fourth report which was as follows:—

THE SENATE, COMMITTEE ROOM No. 8,
FRIDAY, 16th March, 1888.

The Select Committee on Standing Orders and Private Bills have the honor to make their Fourth Report.

Your Committee have examined the following Petition of Mary Matilda White, of the Village of Port Dover, in the Province of Ontario; praying for the passing of an Act to dissolve her marriage with David Crystal White, and find that the Seventy second Rule has been complied with in this case.

Your Committee also examined the Petition of Eleonora Elizabeth Tudor or Hart, of the City of Montreal, in the Province of Quebec: praying for the passing of an Act to dissolve her marriage with Frederick Levy Hart, and find that the Seventy-second Rule of Your Honorable House has not been complied with in this case.

All of which is respectfully submitted.

R. P. HAYTHORNE,
Acting Chairman.

HON. MR. OGILVIE—Before the report is adopted I would move, that the fourth report of the Select Committee on Standing Orders and Private Bills be referred back to the said Committee for further consideration of the same in so far as it relates to the petition of Eleonora Tudor Hart. I have learned to-day, from information received since I came here, that in the Standing Orders Committee last Friday, certain facts connected with the six months publication of notice in this case did not get the consideration or discussion that they should have received. I am informed that the notice required by our rules has been advertised in the Montreal papers from the sixth of January 1887 to the 6th of July 1887, also that the solicitors of the petitioner, Messrs. Morris & Holt of Montreal, sent the notice to the Queen's Printer at Ottawa, with instructions to advertise it for six months. That advertisement was commenced in the *Canada Gazette* on the 4th of January 1887, and the order was to publish it until the 6th of July 1887, but through some misunderstanding between the Queen's Printer and his clerk, the notice was taken out of *Canada Gazette* about four months after, notwithstanding that the applicant had paid for the six months. The error was not discovered until last January, when the Queen's Printer sought to make all the amends he could by continuing the advertisement for some six weeks longer. I am informed that on Friday last the petitioner's counsel stated these facts to the Committee, and asked the Committee to wait a few moments for the Queen's Printer, who was then on his way to the committee room to verify the fact. The Committee would not wait, but at once determined that the notice was insufficient. The declaration from the Queen's Printer is as follows:—

IN THE MATTER OF the application of Eleonora Tudor Hart to the Parliament of Canada for a Bill of Divorce from her husband, Frederick Levey Hart.

I, Brown Chamberlain of the City of Ottawa in the County of Carleton, Queen's Printer for the Dominion of Canada,

DO SOLEMNLY DECLARE that in January 1887, Messrs. Morris and Holt, of Montreal, Solicitors for the above named Eleonora Tudor Hart, instructed me as Queen's Printer and Publisher of the *Canada Gazette* to publish the notice of the application of the said Eleonora Tudor Hart for a Bill of Divorce from her husband in the said *Canada Gazette*, and then and on subsequent occasions remitted the necessary fees for its insertion for the period required by law for the publication of such divorce notices, and publication of the said notice was first begun on the eight day of January, 1887, but owing to misunderstanding between myself and the clerk in the Department of Public Printing and Stationery, having charge of the *Canada Gazette*, the advertisement was removed, and for several weeks was not inserted as ordered in the said *Canada Gazette*. It was, however, subsequently re-inserted and has received altogether twenty-seven weekly insertions making the full regular six months required by the rules of the Senate.

That on receiving notice on Friday the 16th instant, about a quarter before eleven o'clock in the morning, to go over to the Standing Orders Committee of the Senate to explain the break in the advertisement in the *Canada Gazette*, I, at once went over to the Committee Room but found the members thereof leaving the room, and I was thus allowed no opportunity of explaining an error for which a clerk in the Department of Public Printing and Stationery, of which I am the permament head, is clearly responsible.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the "Act respecting Extra-Judicial Oaths."

Declared before me at the City of Ottawa in the County of Carleton this nineteenth day of March A. D. 1888.

Sgd. B. Chamberlain.

Sgd. J. M. Balderson.
A Notary Public for Province of Ontario.

It seems to me that that explanation should be sufficient to justify my motion being carried. The Queen's Printer is an officer of the Government—in fact an officer of ours—and why a petition like this should be thrown out for his fault and for his alone it would be difficult to explain. I cannot see, under the circumstances, that there can be the slightest possible objection to allowing the report to go back to the committee. I did think, and I still think that as my name was to the petition, and as it was being considered during an adjournment of the House, the committee might have done me the courtesy of allowing the matter to stand over a few days until I could be present.

HON. MR. HAYTHORNE—I may explain that I was called upon rather unexpectedly to act as Chairman, and it seems to me that the statement which has just fallen from the hon. Senator from Alma rather imputes hasty conduct to the Committee. So far from that being the case, the Committee sat long enough to hear eminent counsel on this divorce case, and they heard one of them in reply, so that, as a matter of fact, instead of acting hastily, the Committee sat long enough to hear the subject thoroughly discussed. A motion was made, seconded, put from the chair and adopted by the Committee, no one speaking to the contrary, and thereupon, as no other business was before us, the Committee adjourned. These are the simple facts of the case. From the speeches of the counsel on both sides we gathered that the notice in this case commenced last year, was published in the *Canada Gazette* for seventeen weeks. It was then stopped, and the publication was resumed this year. The time required under the rules of the Senate is six months, and that rule was not complied with. The Committee were acting decidedly within the scope of their duty in reporting as they did. If it is the opinion of this House that a further hearing should be given to this case, I have no objection, but as the Committee reported against the petition without a dissenting voice, it seems to me that it is not necessary to refer it back for further consideration.

HON. MR. OGILVIE—The notices were certainly intended for this session of Parliament, because the publication did not cease until a month after we had risen last year. The publication was discontinued through an oversight on the part of a public employe, and as that error has been corrected by publishing the notice the required length of time in the *Canada Gazette*, I think the rule has been fully complied with.

HON. MR. HAYTHORNE—Unfortunately the rule of this House requires that the notices should be published six months in the *Canada Gazette.* The notice appeared for 17 weeks in 1887 and then ceased, and it was no proper fulfilment of the rule of this House to count those 17 weeks and add ten weeks more publication in 1888. If that were allowed, th supposed benefit arising from publication of the notice would be nil, because parties, supposing that the matter had dropped, would not expect to hear anything more about it. In order to fulfil the rules of the House the publication must be for six months and the application for the next approaching session. You cannot count publication made for a previous session as applicable to the present session.

HON. MR. DICKEY—It is exceedingly inconvenient that a discussion of this kind should take place upon a report of a committee. It should have taken place before the committee to be a foundation for asking the House that the rule be dispensed with. I apprehend that the application has no *locus standi* before the House. It is all wrong; it is not a matter that we ought to discuss here at all. The application should have been made before the Committee and the Committee should have reported upon it; it is not a matter now for the House to discuss or decide upon. If it were otherwise we might, in any of these cases, be called upon to reverse the decision of a committee after they had carefully looked into a matter and reported upon it. That was never the intention of our rules and it would give rise to very great inconvenience if such a course were pursued. We should keep ourselves within the bounds of our

various rules, and if parties wish to have them in any one particular dispensed with, they should take the proper course, provided for by our rules, of calling upon the Committee to report upon their application and ask that the rules be dispensed with.

HON. MR. VIDAL.—It may appear presumptuous on my part to differ from the hon. member from Amherst, but I take a very different view of the question from the one he has expressed. It was no fault of the petitioners that this break in the advertising occurred. What is the intention and meaning of our rules? They are not to fetter our hands and prevent us doing justice. Here, through no fault of the petitioners, but through the neglect of a public officer, the advertisement in the *Gazette* was not published as it should have been. I am not one who would furnish facilities for obtaining divorces. My objections to granting divorces are almost as strong as those entertained by gentlemen who vote against divorce on all occasions: but my sense of justice is so strong that I think in this instance the House should allow this report to be sent back and the matter to be investigated. I do not think it implies any censure whatever on the committee. That committee met during a recess of the House when a great many members were absent. It would have been but natural if the committee had postponed the consideration of the question until the Chairman could be present and the hon. gentleman who had charge of the petition was present to make any necessary explanation. It was acting in rather a summary and highhanded manner to say that simply because this advertisement was not published a sufficient length of time, and without hearing any explanation why it had not been published the full six months, or hearing this strong affidavit from the Queen's Printer, to cast out the petition and give my hon. friend from Alma, who had charge of the petition, no opportunity to present his statement to the House. The hon. member from Amherst says that this should have been done in the Committee. How could he have done it in the Committee? The Committee held their meeting in his absence, and he had no chance to bring the matter up until after they had taken final action. The only method by which he can have the question reconsidered is to act as he has done, and he is now giving the Committee an opportunity to rectify the mistake into which they have inadvertently fallen. I think the House should agree to the motion of my hon. friend from Alma.

HON. MR. POWER—I do not think the hon. member from Sarnia has exactly understood the proceedings which took place before the Committee. When this petition came up, the meeting was attended by two counsel—one of them the son-in-law of the hon. member from Alma, who, I presume, was able to lay before the Committee the merits of the application quite as well as the hon. Senator himself. It was attended also by counsel acting for the husband of the applicant. All the information that the Committee could ask for was put before them. A statement was made by the counsel of the petitioner of the facts as to the publication in the *Canada Gazette*, and there was no question raised about that. The reason why the Committee did not wait until Mr. Brown Chamberlain, the Queen's Printer, arrived is this: they felt that his evidence could not make the slightest difference in the report. They heard both sides, and gave due consideration to all the arguments advanced and without a dissenting voice, decided to report adversely to the Bill, because due notice had not been given. These being the facts of the case, I think the action of the hon. member from Alma is unprecedented. I do not remember, during the 10 or 11 years that I have been in the House, any report of a Committee being referred back under such circumstances. Where differences of opinion have arisen in the Committee the minority have sometimes brought the subject before the House, but where the committee have been unanimous and have heard both sides, I think to refer the report back is quite unprecedented. I leave the question of order to the hon. member from Amherst who has raised it, but I may say a few words about the question raised in the Committee. The petitioner put an adver-

tisement in the *Canada Gazette* on the 4th January 1887, stating that she would apply at the then next session of Parliament—that was the session of 1887—for a divorce from her husband on certain grounds. That advertisement continued in the *Gazette*, I think until some time in May when it was dropped, it appears through a mistake of the Queen's Printer.

HON. MR. OGILVIE—It was published until July.

HON. MR. POWER—It could not have been July, because it was not advertised six months : that is admitted. It was about May. The advertisement was discontinued. The petitioner brought an action against her husband in the Superior Court of the District of Montreal for a separation from bed and board : that suit in the Superior Court was proceeded with. There were, I understand,some 30 witnesses examined, and the whole matter was completely and thoroughly investigated, and the Judge has taken the matter *en délibéré* and his decision may be expected at almost any time. The petitioner does not labor under any very serious grievance, because if the evidence which she has produced before the Judge at Montreal is sufficient to entitle her to an absolute divorce such as she could get from Parliament, then it entitles her to separation from her husband. It gets rid of the objectionable tie for all practical purposes and she can apply for divorce to Parliament at some later time. There has been no advertisement in the *Gazette*, or anywhere else, that this petitioner would make an application to Parliament this session. The notice which was re-inserted in the *Canada Gazette* at the beginning of this year was dated 4th January, 1887 ; it was a continuation of the old advertisement and related, on the face of it, only to the former session of Parliament. I do not see how the House could consent to refer this report back to the Committee. It can hardly be expected that the Committee would be willing to deal with the petition under the circumstances.

HON. MR. ALMON—I should not have spoken on this subject, but I think the senior member from Halifax is not quite correct when he says that this report passed unanimously. Nobody opposed it, but I was on the Committee at the time and I thought it rather hard that the petition should be rejected because there had been a clerical error in the advertisement in the *Canada Gazette.* The advertisement in the local papers had been published the full six months. Everyone knows that the advertisement in the *Canada Gazette* is *pro forma ;* nobody reads it or sees it. The party who was interested had every opportunity to see the advertisement in the newspapers, and he knew that the application was coming up this session. I objected to the finding of the Committee, and spoke to some of the members about it, because I felt that nobody was injured through the error in the advertisement which appeared in the *Gazette.* I merely mention this to show that the report of the Committee was not adopted unanimously.

HON. MR. SUTHERLAND—As a member of the Committee, I think it is but right that I should explain that I did not consent to this report. I did not express my dissent, because there was very little said about it, and I took it for granted that the Committee was pretty unanimous on the subject. I do not think it fair that this petitioner should be subjected to such a hardship because of the error of the Queen's Printer. If Mr. Chamberlain had arrived in time to make the statement before the Committee that has just been read, I have no doubt that I would have objected to the adoption of the report which has been submitted to the House.

HON. MR. DEVER—I have no particular interest in this matter further than the fact that I am a member of the Committee. I sat on that Committee, and I thought we had investigated this matter as clearly as we possibly could. We had two clever lawyers before us on that occasion, and each of them presented his side of the case. The fact of due notice in the papers having been given had been questioned, and it was well understood that there was a deficiency

as to the time that our rule required the notice to be advertised. That was not all, however, that influenced us in our decision. There was the fact that this case was before the courts in Quebec, and that at present it is being adjudicated upon there, and we considered it would be perhaps out of place for us to be also adjudicating here on a case which might possibly be decided in a very short time adversely to the position we might take. Seeing that the notice was not sufficient under our rules, we decided that the petition should stand over. Under the circumstances I was very sorry to hear the hon. gentleman opposite say there was any difference of opinion in the Committee. It was put fairly and squarely before the Committee and the question was asked was there any dissentient voice and there was none. The lawyers present were men who knew their business and I for one think there was not a particle of evidence forthcoming that was not produced on that occasion.

HON. MR. KAULBACH—My hon. friend is in error in stating that the petition would stand over. It lapses by this action of the Committee, and the petitioner would have to apply again with all the expenses attached to a new petition.

HON. MR. SCHULTZ—I entirely concur in the opinion expressed by my hon. colleague from Manitoba. He was at this sitting of the Committee, and he now states that had he known the facts read by the hon. member from Montreal, in the affidavit of the Queen's Printer, he would have acted in a different way from that which he did. As a member of that Committee, not present at that sitting, I say also that if those facts had been represented there by Col. Chamberlain himself, or by a statement from him under oath, I would have acted as the hon. member from Manitoba says he would have acted, and I would have voted in favor of the petition being adopted.

HON. MR. DICKEY—I have no interest whatever in this matter, and had no knowledge of the facts until I came here to-day, and I repeat that I think it is extremely inconvenient to be called upon to discuss this matter in this way. My hon. friend (Mr. Schultz) speaks of what he would have done had he known the facts. Taking the facts as they are stated what are they? The Queen's Printer is supposed to have made some mistake; but all those notices that had been given except the last notice which was published in the *Canada Gazette* were for the preceding session and had no connection with the proceedings of this session at all. It is intended by putting the two series of notices together to make out the six months required by our rules.

The hon. gentleman from Sarnia has done us the favor of discussing the only question that is before the House—our rules. Let me say again with regard to the six months' notice and the conduct of Mr. Chamberlain—whether he has made a mistake or not—it has nothing to do with the question. These rules are made not for Mr. Chamberlain or anybody else, but for the protection of the people against whom divorce proceedings are taken. The six months notice is required for the person against whom the application is made. The question as to the sufficiency of the notice given, is for the Committee, and the Committee seems to have discussed it and settled it. The rule I refer to is the 18th, and that rule states distinctly:—

"No motion to suspend, modify or amend any rule or part thereof shall be in order, except on one day's notice in writing, specifying precisely the rule or part of rule proposed to be suspended, modified or amended, and the purpose thereof. But any rule may be suspended without notice by the consent of the Senate; and the rule proposed to be suspended shall be precisely and distinctly stated; and no motion for the suspension of the rules upon any petition for a private bill shall be in order, unless the same shall have been recommended by the Committee on Standing Orders."

Now, I think that is perfectly clear, and my action in this respect is simply to protect the House from a hasty decision affecting rules which were adopted upon careful consideration for the protection of individuals who are affected by these private bills. The conduct or misconduct or errors of action of any officer of Parliament has nothing to do

with this ; the question simply is whether this rule shall be suspended without notice, and without recommendation from the Committee? I trust that this House will adhere to its rules, and for their own protection will not yield to the suggestion which has been made, because I cannot help thinking from long experience that it would be a very bad precedent to establish. It would be better for the House to leave the matter where the rules and orders have left it, in the discretion of the Committee ; and the Committee having passed upon it, I do not think it wise for us to interfere with it.

HON. MR. OGILVIE—The hon. gentleman from Prince Edward Island gave us a few moments ago various reasons why this petition should not be received, amongst others that this matter was before the Courts in the Province of Quebec, and it would be better for us to wait until it has been decided there. I have yet to learn that the Senate has anything to do with the Courts at all in this matter.

HON. MR. HAYTHORNE—I think the hon. gentleman from Alma is attributing to me remarks which I did not make.

HON. MR. OGILVIE—The senior member from Halifax said that this matter was before the Courts below, and we would have a decision there. The hon. gentleman from Amherst states that those rules are for the protection of the parties. I would like to know of whom? Some weeks ago I handed in to the Clerk of the Senate an affidavit of the service of the notice upon the only person in the world who is interested in having proper notice. That is proof positive that the respondent was not taken by surprise. The notice was published for six months in Montreal in two papers until some time after last session was over ; and it would have been published in the *Canada Gazette* here had the employees done their duty. Now, I would like to know who could possibly be interested or affected in any way by the technical objection raised by the hon. gentleman from Amherst? I have been lectured by the hon. gentleman from Halifax as being the first to create such a precedent on a report which, as he says, had been passed unanimously by the Committee ; but very shortly after we find one or two hon. gentlemen standing up in their places and announcing that they would not have voted for that report had all the facts been before them. Another hon. gentleman states that had he been there he might have voted against the report, so that it does not look like as if it were very unanimous. I have been a long time on that Standing Committee for a young member of this House, and I know that it is almost invariably the practice that when a gentleman whose name is on a petition for a bill is not present, and there is nothing urgent about it, to let the matter stand over a few days until he has had an opportunity of being present. That is a courtesy which has been extended to gentlemen of this House hitherto, and why this petition should have been decided upon last Friday during the recess, when hon. gentlemen knew I was not here, I cannot understand. I am found fault with for trying to refer the matter back to the Committee, and I am almost told that it is an insult to the Committee. I ask hon. gentlemen if I had any other means of getting it before the House except by motion to refer it back to the Committee? Perhaps hon. gentlemen who know more about this procedure than I do, might be able to suggest some other means, but I took the only course I could see to put the matter right. If the notice is wrong, it is through a mistake of the Queen's Printer, who is the servant of Parliament. If any individual in the world was to suffer through insufficient notice I could understand the objection that has been raised ; but the affidavit is there, proving the service of the notice on the respondent, and he has been cognizant of every movement which has been made since the beginning of the proceedings. I am very sorry to have taken up the time of this House in the way I have done, but I could see no possible way of avoiding it.

HON. MR. READ—I am a member of the Private Bills Committee, and I

was present at this meeting, and it occurred to me that the Committee entirely ignored the publication in the *Canada Gazette* last year; they would not consider that at all as applying to this session, and upon that ground entirely, as I understood it, the petition was rejected. I should have voted for it had I had the opportunity of doing so.

HON. MR. ABBOTT—I venture to think that the objection taken to this motion is not well founded. I submit to the hon. gentleman from Amherst whether the rule he has read applies to the motion of the hon. gentleman from Alma? He does not move that the rule be suspended; he moves that the report be referred back to the Committee for the purpose of reconsidering its decision, without saying what the decision is, and that does not appear to me to be an infringement of this rule. With reference to the other subjects upon which this discussion has turned, I doubt if it would be the duty of this House to discuss the details of notice of this petition upon such a motion as this. It is for the committee to hear the facts and discuss and decide upon them, subject, of course, to the ultimate decision of this House. There is one point made which seems to me to warrant a reference back to the committee; the hon. gentleman charged with the petition was not present at the meeting, and he asks that he may be permitted to be heard before the committee before it disposes of the petition which he presented. Then there does not seem to have been any unanimity of opinion in the committee about it. The majority, no doubt, were in favor of the report; but there was a minority, I may say a strong minority, against the report. It may be conjectured also that as the committee sat in vacation, there may not have been a full meeting of the members. Above all things we in this House have to dread, is doing an injustice to anybody in any matter coming before the Senate, and in this case it appears to me that there is a doubt that we may be doing an injustice to somebody if we do not refer this report back to the committee. If they were right in their decision, no injury will be done by reaffirming it; if their decision was not a proper one in view of all the facts, no doubt the committee would be unwilling to perpetrate an injustice.

HON. MR. TRUDEL—The hon. gentleman from Alma says he cannot possibly see that anybody but the respondent can have an interest in the proper notice being given. I desire to call the attention of the House to the fact that this is a matter of public order and public law, and as to the question of notice the rule in such a matter ought to be very strictly observed. I think that the Senate should not allow this motion to be adopted on the proposition that it is a private matter in which the question of notice is of importance only to the parties interested.

The House divided on the motion, which was carried on the following division.

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THE LATE SPEAKER.

HON. MR. ABBOTT—Before the orders of the day are called, as this is

the first occasion on which we have met since the sudden and lamented death of our late colleague, Speaker Plumb, I do not feel that it would be proper to allow the opportunity to pass without saying a few words on that subject. I need not say how shocked I was, and how shocked everybody was at the sudden announcement of his death at Niagara on Monday last, and I feel also that I am quite safe in saying that there is but one opinion, there could be but one opinion either in this House or in the country as to the great ability of the distinguished man whom we have lost—as to his profound knowledge of political history, his knowledge of constitutional law, the vast information which he possessed on all the subjects which constantly agitate us and the Legislature of this country. I feel certain that every one will recognize his ability as one of the most eloquent debaters we have had and the most efficent. He was a strong combatant in the political arena as we all know, and also as we all know, he never allowed the earnestness of debate to degenerate into personal hostility, or to interfere with the courtesy due to an opponent. His amiability of character, his great social qualities are recognized by every one. As to his career in this House, he came to us fresh from the struggles of party, but we never could detect in the administration of the high office he held here, any trace of the determination with which he had fought the battle of politics in another arena. He mastered in an extremely short time the practical details the work of his office here, and as to his impartiality in administering that office, I am sure no one will doubt that it wavered for a moment. Under those circumstances, I am sure, without detaining the House, I speak only the sentiment of the House and of the country in expressing the profound regret we all feel for the severe loss we have sustained and the country has sustained by the sudden decease of our late colleague and Speaker, and our very sincere and earnest sympathy with his family in their bereavement.

HON. MR. ALEXANDER—The leader of the Opposition has kindly permitted me, because of my priority in years, to make a few remarks to endorse what has fallen from the leader of the House in the memory of our departed Speaker.

We meet to-day under very sad and solemn circumstances. The very sudden death of our late Speaker, as also of Mr. McMaster, at Toronto, last December, ought to impress all of us as to the uncertainty of human life and should remind us of the grave responsibilities imposed upon us by that Great Being above, who in his infinite wisdom does everything well. I think it would be regarded as not the proper course were I merely upon this sad occasion, to utter a few steorotyped expressions, as a tribute to the memory of the deceased. I may mention that I never was on intimate terms at any time with the deceased, but all those members of Parliament who were, unite in bearing testimony to his many good qualities of both the head and heart. He possessed a most generous and hospitable nature. He was a man of great literary research and had a taste for every department of literature, He was a man endowed with a love of the beautiful in nature, poetry and music. He was a man of talent, deeply versed in finance and all public matters. He was an ornament to society and to the halls of Parliament.

Having said this much I hope that the House will permit me to refer for a moment to the unfortunate differences and passages at arms which I had with the deceased in 1885-6, arising from differences of opinion upon public questions. I have regretted those, and as he has departed from this sphere here below, it will be most seemly for me now to say that perhaps my own imperfections very much led to this. There is no one without defects in his character. I am most deeply sensible of mine ; and I desire to add that it has been a great satisfaction to me that about a fortnight ago all differences were reconclied between us in a manner honorable to both parties, and we shook hands cordially in the presence of my hon. friend from Belleville (Senator Read). If not trespassing too much upon the kind indulgence of the House I would desire to state what occurred upon that occasion. When I first entered the Speaker's

room he dwelt upon my having so often transgressed the rules of the House. This I freely and frankly admitted, but reminded him of the great provocations to which I was subjected, not from hon. Senators generally, whose esteem I prize above all things, but from three or four quarters. I reminded him how my poor family had been brought to a state of penury by certain parties, and my poor deceased wife had sunk into her grave partly from the effect of our reduced circumstances. All that history brought to my recollection Æsop's memorable fable of the interview between the Fox and the Shark. When the shark had helped himself and all his kith and kin plentifully, from an unfortunate victim, the fox then steps in and took possession of all the residue of the carcass, not for himself but to distribute amongst his large army of needy followers. It would be unseemly at this solemn moment to show the application. Suffice it for me to add that our late lamented Speaker was satisfied, that it was under unusual provocation that I was led to say many things in regard to him which it would have been much better to have left unsaid and we were on cordial terms since that day.

How sad to think that he who was amongst us only a few days ago, honored by so many, will never again appear inside this Chamber. Oh ! let one and all of us profit by this solemn warning from above, to live for the right and the good, to live so as to wrong none of our fellow creatures.

Happy the man who, coming to the last scene of life's drama, can feel in his breast that he has never wronged the poor, that he has never, to serve the purposes of his own vanity and conceit, been instrumental in rendering several families destitute for life. How dreadful if the old fox and the shark were to have their ways and actions, and questionable work exposed to the enlightened people of this Dominion !

Hon. Mr. SCOTT—The sentiments that have fallen from the hon. leader of the Government in this House, I am sure will find a ready echo in the breast of every hon. Senator. The death of the late Mr. Plumb was a very great shock to us, illustrative of the great uncertainty of life. He was a gentleman who held a very high position in this country. Although not more than 14 years, I believe, in public life, Mr. Plumb's great ability as a speaker, his genial manner and his pleasant ways made him of very great use to the polical party with which he was allied, and his figure became familiar to the people of Ontario in many of the large political gatherings that have taken place there within the last ten years. As has been happily observed by the hon. leader of the Government, those political speeches of his, delivered with the force, vigor and ability that characterized him, did not in any degree sever him from those of the opposite political faith with whom he was personally associated. I have myself very great pleasure in bearing testimony to the manner in which he discharged his duties when called to this House in 1883, leaving, as has been happily observed, much of the political acerbities that mark members of the other House behind him, and suiting his language and views to the Chamber to which he had been called. After his elevation to the Chair I think we shall all bear witness to the impartial way in which he discharged his duties. Cognizant of the rules, he filled the position of Speaker of the Senate with credit to himself, and I think with satisfaction to every gentleman who listens to my voice, and I am sure we echo the sentiment, not only of this Chamber, but of the House of Commons and of the country when we say that his death is a serious loss to the people of Canada.

Hon. Mr. DICKEY—As one of the old friends of Mr. Plumb I hope I may be permitted to add my mite to this tribute of respect that has been paid to the memory of our late lamented Speaker. He was a man of varied acquirements and rare literary culture, and he was, moreover, full of information on almost all subjects presented to him. He had acquired a wide range of knowledge such as falls to the lot of very few persons. It is quite true, as has been already intimated, that he was a man of strong political predilections, but at the same time it is equally true that he never

allowed his feelings to interfere with the impartial discharge of his duties while in the Chair. We all, I think, shall long remember the late hon. member in private life as the courteous gentleman and an intelligent and agreeable companion. None but those who enjoyed access to his family circle can perhaps adequately appreciate the tender relations that subsisted between the head of the house, the fond father, and the other members of that circle. While expressing in this way our appreciation of the great loss that has been sustained by the country and equally by ourselves, I trust that we are all prepared to join in the expression of the deepest regret at the loss that has been sustained by those whom he has left behind.

BILL INTRODUCED.

Bill (A) "An Act respecting the York Farmers Colonization Co." (Mr. McCallum).

EXPENSES OF THE GOVERNOR GENERAL'S OFFICE.

MOTION.

HON. MR. O'DONOHOE moved :—

"That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, a Return showing, 1, The amount it has cost Canada to maintain the Governor-General's office from Confederation to the end of the term of His Excellency the Marquis of Lansdowne, for salaries, residence, travelling and all other incidental expenses. 2nd. The said sum so divided and arranged as to show the amount for salary, residence, travelling and all other incidental expenses annually paid to or for the maintenance of each and every of the Governors-General during the time aforesaid.

He said—The notice itself contains all that it is necessary for me to state at present. I apprehend that there is no objection to the return asked for and I shall therefore not trouble the House with making any comments upon it until I receive the information.

HON. MR. ABBOTT—My hon. friend must observe that it is impossible to carry this motion, or perform what he asks should be done. He requests that an address be presented to the Governor-General asking for particulars as to the amount it has cost Canada to maintain the Governor-General's office from Confederation to the end of the term of His Excellency the Marquis of Lansdowne. The end of the term of the Marquis of Lansdowne has not come yet, and it is impossible for the Government or anyone else to say what his expenses will be up to that time. I might call the attention of my hon. friend to the fact that every item he asks for in this Address is to be found in the Public Accounts and the report of the Auditor General, and where there are so many addresses passed, and where so much of this kind of work is to be done, it seems unnecessary to demand that the Government officials should be set to prepare over again, that which they have already furnished with great care and in great detail. The information asked for has been printed and laid before the House, and these details are quite as accessible to my hon. friend as they are to anybody else. It is obvious that the motion cannot pass in its present shape, and I would suggest to my hon. friend that he could get all he wants from the published returns.

HON. MR. O'DONOHOE—I do not think I am called upon to go through the annual reports or statements to find out the information that I look for. The country pays amply for that kind of work, and this House is entitled to it. If the leader of the Government states that the return cannot be furnished, I shall understand that, but it seems to me that it is the work of actuaries, well paid for by the country, and that it is information that any member of this House is entitled to obtain.

HON. MR. POWER—My hon. friend does not appear to have caught the point made by the leader of the Government —that it would be impossible to give a return showing the expenditure down to the end of the term of the present Governor-General, because the term is not yet ended. The motion of my hon. friend would have to be amended in

that regard. He can bring it down to the end of 1887, or to the present day, but he cannot ask for a return which will show the expenditure up to the end of June next.

HON. MR. ABBOTT—The hon. gentleman might withdraw the motion and prepare one which will enable him to bring the subject up on another occasion.

HON. MR. O'DONOHOE—I ask that the motion in its present shape may be dropped.

The order of the day was discharged.

THE NEW SPEAKER.

HON. MR. SCOTT—Before the orders of the day are called I desire to offer my congratulation to you, sir, on your elevation to the chair. In doing so I am quite sure that I voice the sentiments of all those gentlemen who are within my hearing (hear hear). It is one of the peculiar positions of this Chamber, in which it differs from all other Legislative Chambers in the world, that we have not the selection of our presiding officer, and it is rarely that the peculiar circumstance arises where the appointing power makes such a selection as to meet the entire approval of the gentlemen over whom he is called to preside. I believe if this Chamber had the selection of its own officer, there is no member of its body that would receive a larger number of votes than yourself, (Hear hear) and therefore I feel that in conveying to you the congratulation of this Chamber I do so under peculiarly happy circumstances. You have had a very long experience in public life. Elected 30 years ago to represent the most populous, wealthy, influential and I may say most learned constituency in Canada—because your election came from the County of York, the centre of our educational establishments, of our University and other distinguished educational institutions in the Province of Ontario—at the period of Confederation you were called by your Sovereign very properly to a seat in the Senate. Those who have known you as long as I have, and those who have know you one-third of the time, will agree with me in saying that you possess in an eminent degree all the qualities which fit you for the high position that you are now called to fill (applause). No one ever questioned your fidelity to the party with which you have been allied, but while you have been a member of that party you have been marked in a distinguished manner as a gentleman possessing a fair and impartial mind. On all occasions you have felt it your duty to view public questions from a different point to that of the politician, and have risen equal to the occasion and judged matters from a judicial standpoint as we all ought to do when important matters come before us for our consideration. It was therefore with very great pleasure that I heard of the selection of yourself by the Government of the day to fill the Chair in the Senate. I trust that you may enjoy that position. I am quite sure that I speak the feeling of this House when I say that every assistance that your late colleagues can give you will be extended to you now that you are removed from the floor to the Chair. You will always find that we are ready to sustain your judgements, believing that they will be prompted by the very best motives. I trust that you may have the pleasure of filling the Chair for the full period for which you have been appointed.

HON. MR. PELLETIER — I most heartily endorse all that has fallen from the leader of the Opposition in commenting upon your appointment. The elevation of yourself to the prominent position which you occupy has deprived me of the pleasure of a very agreeable neighbor, but when I see you presiding so ably and with so much distinction over this hon. House I am consoled for your absence from the floor. We French-Canadian members of this House recognize in your thorough knowledge of our language another qualification, added to the many you possess which so eminently fit you for your exalted position. I have had frequent opportunities to recognize your familiarity with our language, and I am sure we shall all feel that no one can better fill the position

of Speaker, amongst those who speak the French or the English language in this House. The courtesy that you have always shown when a private member of the Senate is ample proof that in the position you now occupy the House will always find in you a dignified and capable Speaker. (Applause.)

HON. MR. ABBOTT—It is not to be supposed that on an occasion like this the Government have much to say, but I may perhaps be permitted to state just this—that the Government were gratified at being able to induce you, Sir, to accept the Speakership. Their high appreciation of your qualities has been practically expressed, by requesting you to occupy the position which you now fill; but I am sure that the gratification they feel in having obtained your consent to take that position, will be very much enhanced indeed, by the universal approbation which this House has manifested, in response to the remarks of my hon. friends opposite. I may just venture to say this much more, that I personally am glad to have an opportunity of expressing my gratification at your having accepted this honorable position; and persuming on my long acquaintance and friendship with you, I may say the longer it has lasted, the more I have appreciated the high qualities which my hon. friends have correctly described from the other side of the House.

THE SPEAKER—I feel deeply grateful for the all too kind and flattering congratulations which have been addressed to me both by the leader of the Opposition, my hon. friend from Quebec and the leader of the Government in this House, and it is especially gratifying to me to know, from the kindly expressions which have fallen from all of them and which have apparently met with your approval, that I possess personally the confidence and regard of my colleagues in this House. Highly as I prize the honorable position to which I have been called, it would indeed be a burdensome one if I could not feel assured that I enjoy your confidence and respect. There is only one thing which is present to my mind and which, I think, can scarcely be absent from the mind of any hon. gentleman present, and that is the feeling of deep regret and sorrow at that sudden event which has resulted in calling me to fill this office. I need say very little about the abilities of the hon. gentleman who preceded me in this Chair, or his character as a public man. Ample justice has been done to both, but I may say what I am sure will be echoed by all the gentlemen of this House, that we all learned to appreciate him thoroughly during the time that he filled this Chair, and that he leaves both an official and a personal memory behind him which will be long honored and cherished by every member of this House. I can only say that it shall be my earnest endeavor, trusting to your indulgence and your support, to discharge, so far as my humble abilities will allow me, the duties which belong to my position here, in such a way, as will conduce to the proper conduct of business, and the honor and dignity of this House. (Applause).

THE IRVING DIVORCE CASE.

PETITION RECEIVED.

The order of the day having been called for the reading of the Petition of Andrew Maxwell Irving, praying for the passing of an Act to dissolve his marriage with Marie-Louise Skelton,

HON. MR. MACDONALD (Midland) presented the declaration of service of the notice.

The declaration was read.

HON. MR MACDONALD presented the exemplification of proceedings in the High Court of Justice, and moved that the Petition be read and received.

The motion was agreed to.

The Senate adjourned at 5:10 p.m.

THE SENATE.

Ottawa, Tuesday, March 20th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THE WHITE DIVORCE BILL.

FIRST READING.

HON. MR. MCKINDSEY introduced Bill (B), "An Act for the relief of Mary Matilda White."

The Bill was read the first time.

HON. MR. MCKINDSEY moved

That the said Bill be read a second time on Wednesday, the fourth day of April next, and that notice thereof be affixed on the doors of this House, and the Senators summoned; and that the said Mary Matilda White may be heard by her Counsel at the second reading to make out the truth of the allegations of the said Bill, and that David Crystal White may have a copy of the said Bill, and that notice be given to him of the second reading, or sufficient proof adduced of the impossibility of so doing, and that he be at liberty to be heard by Counsel what he may have to offer against the said Bill, at the same time; that the said Mary Matilda White do attend this House, on the said fourth day of April next, in order to her being examined on the second reading of the said Bill, if the House shall think fit, whether there has or has not been any collusion, directly or indirectly, on her part to obtain such separation, or whether there be any collusion, directly or indirectly, between her and him, or any other person or persons, touching the said Bill of divorce, and also whether, at the time of the matters of which she complains, he was by deed or otherwise by her consent living separately and apart from and released by her, as far as in her lay, from his conjugal duty.

BILL INTRODUCED.

Bill (C), "An Act respecting the International Convention for the Preservation of Sub-Marine Telegraph Cables." (Mr. Abbott)

The Senate adjourned at 3:30 p.m.

THE SENATE.

Ottawa, Wednesday March 21st, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

The Senate adjourned at 3:35 p.m.

THE SENATE.

Ottawa, Thursday, March 22nd, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BEHRINGS SEA SEIZURES.

MOTION.

HON. MR. MACDONALD (B. C.) moved

"That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, all correspondence subsequent to May, 1887, between the Imperial and Dominion Governments and the Government of the United States, relating to international rights in Behrings Sea to the seizure of British vessels therein by armed vessels of the United States."

He said:—Some days ago, when I asked a question in connection with the Behring's sea seizures the Hon. Minister who leads the House was under the impression that the American Government did not claim exclusive jurisdiction over that portion of the sea conveyed by Russia under the treaty of 1867. The hon. gentleman will find that the laws referring to the seal fishery have been extended by the American Government to that portion of Behring's sea to which I have alluded. That claim to exclusive rights is upheld by the Judge who tried the seizures cases in Alaska last year.

The Judge, in his charge to the jury, after quoting the first Article of the Treaty, 30th March, 1867, between Russia and the United States, in which the western boundary of

Alaska is defined, goes on to say: "All the waters within the boundaries set forth in this Treaty to the western end of the Aleutian Archipelago and chain of Islands are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals must therefore attach against any violation of law within the limits before described.

"If therefore, the jury believe from the evidence that the defendants by themselves or in conjunction with others did, on or about the time charged in the information, kill any otter, mink, martin, sable or fur-seal, or other fur-bearing animal or animals, on the shores of Alaska or in the Behrings Sea east of the 193rd degree of west longitude, the jury should find the defendants guilty and assess their punishment separately at a find not less than $200 not more than $1,000, or imprisonment not more than six months, or by both, such fine within the limits herein set forth and imprisonment."

The Minister of Marine, of the Dominion of Canada, in a minute of Council of September, 1886, after reviewing this evidence, comes to this conclusion :—

It will appear from the above information, conjoined with the Report of Council under date September 23rd inst., that the United States have determined to lay claim to the sole sovereignty of that part of Behrings Sea lying east of the westerly boundary of Alaska, as defined in the first Article of the Treaty made between the United States and Russia in 1867, by which Alaska was ceded to the United States, and which includes a stretch of sea extending in its widest part some 600 or 700 miles easterly from the mainland of Alaska.

Although orders have been given from Washington for the release of two of the seized vessels, yet the claim to exclusive jurisdiction remains unsettled, and as much a menace to our vessels as ever, and may lead to serious consequences. The correspondence brought down so far, to May 1887, shows that the English Foreign Office, the British Minister at Washington and the Government of the Dominion have pressed the question of the Behrings Sea seizures in the most forcible manner on the attention of the American Government without—I regret to say—any satisfactory assurance by the latter Government of an early solution of the difficulty.

Although this question is an Imperial and international one in its widest range, yet in its immediate consequences it is of very great importance to the Dominion at large, as this trade is likely to assume large proportions. No less than five Nova Scotia vessels are now on the way to the Pacific ; some have been purchased by Victoria owners, and the others are sent by Nova Scotia owners, to embark in the seal fishery. I noticed in a Montreal paper that a company is being formed there for the same purpose. In British Columbia, this question is of particular importance, as many small ship-owners who went to great trouble and expense in fitting out their vessels, have been partially ruined through seizures, which, I hope, may prove to have been illegal.

The seal fishery for some years has been a profitable industry, vessels performing their voyages regularly without interruption in any part of the Pacific Ocean.

In 1886, however, that peaceble concondition of things came to an end. Several of our sealing vessels were seized by armed vessels of the United States whilst in the open sea seventy miles from the nearest American territory and with their captains and crews taken to Alaska, the vessels and cargoes forfeited, the captains and mates fined heavily and sentenced to terms of imprisonment. For those outrages compensation has been demanded by the Imperial and Dominion Government, and it is to be hoped that the demand will be persevered in, and pressed with determination.

In its novelty and extravagance the present American claim is very different from the opinion held by that government in 1872, in which year Secretary of State Boutwell, in reply to a request by the collector of customs at San Francisco for a Revenue cutter to proceed to Behrings sea to prevent the taking of seals by foreign vessels laid down the following :

"I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose unless they made such an attempt within a marine league of the shore : as at present advised, I do not think it expedient to carry out your suggestions."

Russia first set up her claim to this part of the ocean as a "shut sea" in 1821, and passed an edict or ukase extending its jurisdiction to 100 Italian miles seaward from the shores of both the

Asiatic and American continents, under which foreign vessels were excluded from fishing and trading within those limits. untenable as that claim was—and it was one from which Russia had to recede—it was tenfold more justifiable than the present pretention of the United States. Russia at that time held the sovereignty of portions of the two continents on both sides of Behrings Sea, and claimed jurisdiction only 100 miles seaward, whereas the United States holds the soverignty of a portion of one continent, on one side only—but seeks to extend its jurisdiction to 700 miles seaward, at some points, from the mainland of Alaska. If, therefore, Russia with complete sovereignty, abandoned her claim in deference to the remonstrances of America and England, and by treaty in 1824 and 1825, guaranteed to those two nations equal rights on Behrings Sea, how much more readily should the United States, with its far more slender rights, abandon its pretentious claims, and not seek, as it now does, to foster and invite an international quarrel, to deliberately repudiate the weighty opinions of its most able statesmen, and to place itself in antagonism to usage, and the common law of nations.

In 1823 the United States Minister at St. Petersburg, Mr. Middleton, in a memo. to the Russian Government on this question, laid down the following:—

"The existence of territorial rights to the distance of 100 miles from the coasts upon the two opposite continents, and the prohibition of approaching to the same distance from these coasts, or from those of all the intervening islands, are innovations in the law of nations, and measures unexampled. That universal usage, which has obtained the force of law, has established for all the coasts an accessory limit of moderate distance, which is sufficient for the security of the country, and for the commerce of its inhabitants, but which lays no restraint upon the universal right of nations, nor upon the freedom of commerce and navigation."

If Secretary of State Bayard could use, and did use, such strong language with reference to the comparatively insignificant claim of Canada to exclusive fishing rights in the Bay des Chaleurs which he stigmatized in a dispatch of June 1886, as a "wholly unwarranted pretension of extra territorial authority," and as "an interference with the unquestionable rights of the American fishermen to pursue their business without molestation at any point not within three marine miles of the shore," what language could be used with reference to the American pretention to jurisdiction extending 700 miles seaward? Yet in the face of those opinions of its own statesmen as to common rights, outside the three-mile limit, and of the surrender by Russia of its untenable claim, the United States Government evades a reply to direct questions as to its future course, and meanwhile adheres to its alleged rights in the Behrings Sea, and is, to the best of my knowledge, preparing to dispatch a stronger force of armed vessels than formerly in defence of such alleged rights. I trust the Government of the Dominion will in the future, as it has in the past, vigorously and promptly press this question to a solution satisfactory to Canada, and that urgency will be used in settling the claims of our fishermen for the great losses sustained by the forcible seizure and detention of their vessels and cargoes.

HON. MR. KAULBACH—My hon. friend has mentioned the fact, of which I was not previously aware, that vessels from Nova Scotia have equipped and sailed for Behrings Sea: but for that remark I should not have addressed the House at present. Evidently from what my hon. friend has stated this claim, which it would seem is made by the United States Government, is not only a restraint on but a violation of the universal law and rights of nations and a direct interference with navigation and the freedom of commerce. Maritime and International law, I presume and contend, are the same on the Atlantic and Pacific and on all seas. What do we find on the Atlantic? We find American schooners in large numbers hovering on our shores along our territorial rights, the marine league, and frequently getting inside of it, and claiming the right to go anywhere and enter any bays where they are more than six miles across. That is what our neighbors claim on our Atlantic coast and it seems absurd that they should, on

the Pacific, claim exclusive jurisdiction, not only with in the three miles limit, but for hundreds of miles beyond the coast line, and even to the South of the Aleutian Islands. The very claim which the United States Government sets up now was repudiated by them in 1822, when the Czar of Russia owned Alaska. They then affirmed that the law and the comity of nations claimed, and their own jurists declared that no nation could claim, and that Russia could not claim more than the three mile limit on the coast as their territorial right, that the high seas are open to all nations and people ; that Russia's rights could only extend to a marine league. That contention being then held and maintained by the United States Government, a Treaty was made by which the United States were granted the right to enter navigate and fish in the Pacific Ocean which must have included Behrings Sea. It seems that the Russians must then have claimed supreme jurisdiction over the whole Pacific Ocean, because that is the language used, but the allusion and the rights admitted must have been to American rights in Behrings Sea. because citizens of the United States were permitted subsequent to the Treaty of 1824 to enter within that sea, and also to land and to fish. The same privileges in almost the same words, were confirmed by treaty to England the year following. These are the words I think of both Treaties :—

"The contracting parties shall not be troubled or molested, in the Pacific Ocean, either in navigating or fishing therein or landing on the coast."

This must refer to or at least include Behrings Sea, but I believe the United States contention now is that the Treaty did not extend to the seal fisheries in that portion of the Pacific. In view of the contention of the United States while Russia owned Alaska, it seems preposterous that they should now set up a claim more extensive than any that Russia ever made from the days of Peter the Great, who it is said visited Kamschatka in 1725, and Captain Behring landed in the adjacent Islands. If our Government on the Atlantic coast had permitted such harsh and severe measures as have been adopted by the Alaska Seal Company—with or without the sanction of the United States in the Behrings Sea. I do not think they would find many here who would approve of such conduct. Not only was the claim of the United States Government or the Seal Fishing Company preposterous in its nature and enforced with extreme rigor, but the confiscation of vessels and cargoes and the manner in which the crews of the vessels that were seized were treated, was simply barbarous. Some of them died from the effects of the ill-treatment they received. This is a matter of vital importance to the whole Dominion, and more especially to the Maritime Provinces interested in that great sea fishing industry. I hope that the Government will use all its powers with the Imperial authorities to see that the rights of Canada, in those waters, are not trespassed upon or restricted by the United States Government.

HON. MR. MCINNES (B.C.)—It is not my intention to enter into a discussion on the subject before the House today. I will reserve whatever remarks I have to make until the returns asked for by my honorable colleague are brought down, or until such time as the Fisheries Treaty is before the House. I merely rise for the purpose of endorsing what has been stated with respect to the duty of the Government in coming to some amicable settlement by which our fishermen on the Pacific coast may be allowed to prosecute their very important industry without being interfered with as they were last year. If another year or two should pass without such a settlement being arrived at and the United States Government should pursue the same unjustifiable and unreasonable course that they followed last year, the seal fishing industry of British Columbia will be completely destroyed. I hope that the Government in view of the importance of that industry to the western Province and the Dominion generally, will not allow one day longer than is absolutely necessary to pass without having some arrangement effected by which our fishermen can pursue their calling with perfect freedom and security.

HON. MR. ABBOTT—I can assure my hon. friend and the House that the Government is fully sensible of the importance and urgency of the question which my hon. friend from British Columbia has brought up by his motion today. Of course there is no objection whatever to the address which he asks for being passed, and as far as the public interest will permit, the whole correspondence will be brought down, but I scarcely think that at this stage of the discussion it is safe to assume that the United States Government are contending that they have the rights in Behrings Sea which Russia claimed for itself in 1822. It is perfectly true that certain lamentable occurrences there, have resulted in misfortune to fishermen. It is very much to be regretted, but ample compensation has been demanded for those fishermen and I have no doubt will be conceded. But diplomatic proceedings are slow and no conclusion has yet been arrived at. So far however, as I am informed on the matter, I do not think the American Government has pretended to have an exclusive right of fishing,or any other exclusive right in Behrings Sea ; or any greater right than international law ordinarily recognizes, in the seas bounding their coasts and territories. When the correspondence is brought down, and we have an opportunity of seeing what their pretentions are, I trust that will be found to be the case. Before the cession of Alaska to the United States, the highest law officers of the American Government gave formal opinions, which are of record, to the effect that Russia had no right to the exclusive privilege which they claimed by their own legislation—by the ukase of 1821, and by their pretensions generally in that behalf. As soon as the papers come down, which I trust will be shortly, it may be opportune to discuss this matter further and the Government will be prepared to give every explanation possible on the subject.

The motion was agreed to.

TRENT VALLEY CANAL.

MOTION.

HON. MR FLINT moved :—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a detailed statement of all moneys paid to A. F. Wood, Esq., of Madoc, for services and expenses in connection with his office as valuator or otherwise in connection with the Trent Valley Canal, from the date of his appointment down to the 1st of January, 1888.

Also, a detailed statement of all moneys paid him for services and expenses in connection with his services on the Murray Canal, from 1st December, 1883, to 1st January, 1888, in order to complete the full return of moneys paid him for services in connection with the return asked for at last Session.

He said :—Last session I asked for a return in reference to the amount of money paid to Mr. Wood in connection with the Murray Canal, up to the close of November, and particularly the amount paid to him for his services in the month of November, 1886. A return was brought down, but only to the 1st of September, 1883. It is stated here in this return—"Mr. Wood has not been paid any sum since September 1st, 1883, on account of services and expenses in connection with the Murray Canal." All I can say is simply this : I know from good authority that Mr. Wood has received a large amount of money since, and to ascertain for what purpose is the object I have in view in making this motion. I believe he has also had something to do in connection with the Trent Valley Canal. I know that he has been connected since September, 1883, with the Murray Canal and I am well aware, and have it on the best of authority, that for November, 1886, he presented a cheque at the bank for the sum of $300, or over for his services in November, 1883, and that is the reason I want now to find out how much has been paid to Mr. Wood, either on account of the Murray Canal or on account of the Trent Valley Canal. I have it on very good authority that from the commencement of his services he has received some $8,000 or more. It is necessary to know how his services were rendered in order to obtain that money.

HON. MR. ABBOTT—There is no objection on the part of the Government to the motion ; but from what my hon.

friend has himself stated there has been a return giving the information to which he refers in the second portion of his motion. If there is any further information required we will endeavor to get it for him.

The motion was agreed to

THE LATE MR. ROLLAND.

HON. MR. ABBOTT—I have the melancholy duty of informing the House of the death of the Hon. Mr. Rolland, recently appointed a member of this House, who I regret to say has not been able to take his seat or place among us. If he had done so, I am sure that the House, when it came to know him as I knew him and as men residing in Montreal knew him, would have considered him eminently qualified for the high position to which he had been nominated, and would have found in him a colleague in every respect equal to the important duties to which he had been called. Unfortunately that cannot be. He has been suddenly and unexpectedly called away, while not exactly a young man, but still in the prime of life, and apparently full of health and vigor. The Hon. Mr. Rolland was well known in Montreal and elsewhere, as having been a man of first-rate capacity for business, accustomed to public affairs; and as having himself performed many important public duties. He was, for instance, for a number of years a member of the Board of Harbour Commissioners in Montreal, and discharged his duties as such with diligence and efficiency. He was a man characterised by the strictest honor and probity in the important transactions of commerce, which he carried on during his life; and I can only reiterate the regret I fell, and which I am sure this House will feel, that we had not, all of us, the opportunity of knowing him more intimately; and that the country had not the benefit of the great services which his training and capacity qualified him to render. I am sure that the House will join with me in the expression of its sincere sympathy with his family in their loss. I dare say that some of my hon. friends from Lower Canada who have known him as I have, will say a few words on the subject before the House proceeds to the Orders for the Day.

HON. MR. LACOSTE (In French)—I desire to express, as the leader of the Senate has done, my sympathy for the family of the late Mr. Rolland in their affliction. Mr. Rolland was an example of what patient industry and remarkable intelligence can achieve in the world. He began life in a modest way and with very limited means. By his industry and sagacity, and by the most legitimate and regular means, he acquired a large fortune which he leaves to his family. During all his life in the City of Montreal, his character for honor and probity was unquestioned and his position in trade and commerce, his great financial abilities and his large experience led to his appointment to the Senate. But Providence called him before he could take his seat, and we have to accept the decree of the Almighty, but we cannot help expressing our regret at being deprived of his talent and experience, and our sympathy with the family he has left to mourn his death.

SECOND READING.

Bill (A.) "An Act respecting the York Farmers' Colonization Co." (Mr. McCallum.)

The Senate adjourned at 4:10 p.m.

THE SENATE.

Ottawa, Friday, March 23rd, 1888.

THE SPEAKER took the chair at 3 p. m.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (D) "An Act to amend the several Acts relating to the Board of Trade of the City of Toronto" (Mr. Macdonald, Midland).

Bill (E) "An An Act to incorporate the Belleville & Lake Nipissing Railway Company" (Mr. Flint).

THE PIER AT CAPE TORMENTINE.

INQUIRY.

HON. MR. BOTSFORD inquired:—

"What progress has been made in the erection of the pier at Cape Tormentine, and when is it proposed to have it completed?"

He said—An appropriation of $150,000 was made four years ago for the purpose of erecting a pier at Cape Tormentine. Immediately after this appropriation a Government engineer was sent down to make a survey of the locality, in order to estsblish the best place for the erection of this work. Since then I am not aware that anything further has been done than the dumping of a few tons of stone at the terminus of the Cape Tormentine Railway. As the people of Prince Edward's Island, as well as those of Westmoreland, wish to have this pier constructed, and inasmuch as a pier was built at Cape Traverse, and a railway constructed by the Government to connect the Island Railway with Cape Traverse, and a local railway has been running now for over two years between Cape Tormentine and the Intercolonial Railway at Sackville, it is considered important that that pier should be proceeded with. From data which I had collected previously, taking the ordinary rate of trains on the Intercolonial Railway at 25 miles per hour including stops—which is not considered very great speed—I estimate that persons leaving Charlottetown at say 12 o'clock, would arrive at Sackville, the intersection of the Intercolonial Railway in four and one-half hours. That contemplates, of course, a steamer running between the two Capes, for carrying mails and passengers. It was recommended strongly by a large committee of the House of Commons several years ago, that that work should be constructed for the accommodation of passengers and mails at least. Sackville is equally distant from Halifax and St. John, and when we take this fact into consideration, the importance of this question will be at once recognized. Anyone acquainted with the locality must be aware that if they construct this pier and put on a suitable steamer, the mail and passenger service must take that route.

HON. MR. ABBOTT—I am not familiar with the circumstances of which my hon. friend speaks as having taken place some years ago, but with reference to the question which he puts, I may say that there has not been much progress made with the pier. A contract was granted for it, and a certain amount of work was done, but in consequence of the incapacity of the contractor to carry out his obligations, the contract was cancelled, and the work was necessarily stopped for the time being. I am happy, however, to inform my hon. friend and the House, that a new contract has been prepared and will be signed and executed very shortly, and the work will be prosecuted without delay.

HON. MR. HAYTHORNE—It must be obvious that the Province of Prince Edward Island has a very material interest in this question, because, whether the plan of establishing communication with the mainland which has been projected by the hon. gentleman from Alberton can be carried into effect or not, this pier must always be a matter of importance in the carrying of goods between the mainland and the Island. The reference which the hon. gentleman has made to the proceedings of the Committee in the House of Commons is quite accurate. Allusion was made in that report to the circumstances connected with these two capes, and particularly to this wharf and the extension of another on the Prince Edward Island side. It was assumed there that in consequence of the prospective completion of those two branches of railway leading down to the capes, at some period or other the Island mails might be carried by that route, and they could of course be delivered at Charlottetown at a much earlier hour than at present. That was one argument held forth for the opening of this route, but as circumstances exist at the present time, my hon. friend from

Alberton, who has devoted so much of his time and energies to the promotion of a sub-way, rather stops the way at present by his enterprise, and probably before many days elapse we shall hear from him on that question. It will be for the Government, of course, to say aye or no to the project. If they take it up and carry out my hon. friend's views, the ferry, of course, will cease to be as important as it is now. It is, however, a matter of importance to Prince Edward Island, New Brunswick and Nova Scotia that this communication by means of Cape Tormentine wharf should be carried into effect, and in that way I myself take a warm interest in the success of the wharf and in its completion at as early a date as possible.

HON. MR. HOWLAN—It is a most fortunate thing for the Government and for those interested that the contractor failed to carry out that work. Before they proceed any further with it they had better see that the pier is located in the proper place. I have a considerable amount of information on the subject, having examined that coast personally, and I think it will be found that if you want to make a proper harbour you had better shift it about two and half miles further westward. Nature has made there a good harbour between the two bars that exist. Whilst Capt. Trott a year ago with the cable-laying steamer *Minia*, 1400 tons burden, was underrepairing the cable between Prince Edwards Island and New Brunswick he got a good deal of information on the subject, he had a great deal of experience and knew almost every foot of the Strait, having been employed a great many years laying cables. He stated to me that if that pier was built at the site selected by the Government it would only have to be removed. Therefore it is fortunate that so little money has been spent on the work. If the hon. gentleman who has introduced the measure will take the time to examine Bayfield's chart of the Straits he will find that I am saying is perfectly correct: if you want to get a harbour there it will cost no more money to put it in the right place than in the wrong place, and the hon. gentleman will find it better for him and for those interested in the work than if it were located at Cape Tormentine.

HON. MR. BOTSFORD—I do not profess to have any personal knowledge of where this pier should be placed. I happened to visit Cape Tormentine when the Government engineer was making a most exhaustive survey. He had a party with him and took information from different persons who were acquainted with the locality and after nearly a whole summer's work he made a report to the Government that this was the proper site for the pier. I do not think there was any influence brought to bear in any way as regards the point selected. He determined it after a full investigation of the locality and the circumstances. Now I do not pretend to question the experience of the hon. member from Alberton in this matter, nor do I profess to give any information myself. I based my inquiry upon the fact that the Government had made an exhaustive survey and taken sounding and after a full investigation had selected this point as the proper site for the pier.

THE ATLANTIC MAIL SERVICE

MOTION.

By the HON. MR. POWER:—

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, copies of all advertisements issued since the first day of April last by the Postmaster General asking for tenders for the carriage of Mails between Great Britain and Canada, and also of all tenders received in reply to such advertisements.

He said:—I do not think that it can be contended that any gentleman in this House is premature in asking for the information which this resolution seeks. The first advertisement for tenders for the carriage of mails between Great Britain and Canada was issued in the year 1886. It was issued in the regular ordinary course of business, inasmuch as the existing contract under which the mails were carried was about drawing to a close; and the advertisement, I think, was somewhat in the form which had

been adopted in previous cases. It asked for tenders for the carrying of the mails between certain points in Great Britain and Montreal in the summer, and Halifax in the winter, and, went on to speak of the steamers as going from Halifax to Portland or some other port of ultimate destination. That advertisement, as I have already said, provided for a service substantially the same as we have at present; but some little time after this advertisement was issued, there was general election for the House of Commons, and the people of St. John and neighborhood—in fact the people of all parts of the Province of New Brunswick were very much dissatisfied inasmuch as this advertisement seemed to indicate that the Government did not purpose to make St. John the terminus of the line of steamers carrying the mail between Great Britain and Canada. The people of New Brunswick were quite satisfied that the steamers should call at Halifax; but they did not think that they should then proceed to a port of ultimate destination in the United States. They thought that the line of steamers receiving a large subsidy from the Canadian Government should have their terminal port in Canada. The fact of the elections coming off in a few weeks afterwards might have had something to do with the fact that the Government took the same view. I do not say that it had, but if any hon. gentleman is suspicious of the Government he can use his own judgment—I only say possibly it had. The consequence was that the people of New Brunswick sent a delegation to Ottawa, not very long before the last general election. That delegation interviewed the Government, and the result was a change was made in the form of the advertisement. The Minister of Marine and Fisheries, on the 14th February, gave an answer to the circular from the St. John Board of Trade, and at a meeting held in the same City—or in the City of Portland which is practically part of the City of St. John—the same Hon. Minister on the same day declared that the Government had made up their minds to make St. John the terminal port. I will just read the answer given to the Board of Trade.

"In reply I beg to state that inasmuch as the Government has already decided to call for tenders for a line of ocean mail steamers to run, starting from Liverpool to Canada, touching at Halifax, and thence to St. John as a terminal port and return, and as advertisements therefor have been issued since 23rd November, I consider that the question of St. John being the terminal winter port for the Canadian mail steamers, is practically settled. I have no reason to believe that any change will be made from the decision arrived at. As one who cheerfully contributed to the settlement already reached, I shall certainly oppose any attempt to change it, by whomsoever it may be made."

That was the position last winter—that a second advertisement was issued for the service indicated by the Minister of Marine and Fisheries. During the last session of Parliament, the Hon. Finance Minister, in his budget speech, made this allusion to the question:

"Tenders have been invited by the Postmaster General for rapid steam service across the Atlantic in order to utilize our great transcontinental highway, for we think thetime has come when,in the interests of the Dominion, as fast and as good a service should exist between France and England and Canada, as is to be found between either Germany, France or England and New York. If by any means we can succeed in establishing such a line of rapid steamers on the Atlantic we will not only make this a great transcontinental highway and rapidly develop our trade on the Pacific, but I believe we will be able to deliver the mails in Boston and New York, certainly in Chicago and all western cities, a very considerable time before they could be delivered through any other channel.

It will be seen from this that the Minister of Marine and Fisheries was rather sanguine last year. The service called for under the first advertisement, and I think under the second advertisement also, was to begin on the 1st of April of this year, and the tenders were all to have been in, under the second advertisement, on the 4th of July, 1887. It is a rather singular thing, if the Government had determined to proceed under that advertisement, the tenders in reply to which were put in on the 4th of July last, that no conclusion seems to have been yet reached and no agreement seems to have been made with any line of steamers whatever. Meanwhile we are not getting what the Minister of Finance or what the Minister of Marine and Fisheries promised. We have now about the same

service that we had under the old contract ; and I think it is only reasonable that Parliament should be informed why it is that the Government have not done anything, and what they propose to do in the matter.

I might perhaps be allowed to make one observation on the extract which I have read from the speech of the Finance Minister in which he speaks of those rapid steamers enabling us to carry the mails to Boston and New York. I do not think that that is a very practicable thing in the winter. Mails landed at Halifax would not be in New York any earlier than mails carried on from Halifax to New York by the same steamer. A fast steamer making, say 18 knots an hour, would be in New York about as soon as the train going from Halifax would arrive there. Although there has been no official information as to why nothing was done in the matter of this contract under the advertisements which were issued, there was a sort of rumor that the reason why the Government did not make a contract with any of the parties who tendered, was that owing to this requirement that St. John should be the terminal port of the steamers, the subsidies demanded by all the Companies who tendered were too high. Of course, I simply give the rumor for what it is worth. That was the rumor, and it seems that there must have been some reason why the Government did not act last summer after the tenders had come in. In fact I am disposed to think that the sums asked were altogether out of reason. Supposing that that is the fact—supposing that the demands made by the Companies for carrying the mails to St. John were to excessive to be paid, then the Government should try and make the best arrangement practicable. The Minister of Finance, in the speech from which I have read an extract, seemed to think that the wisest course for Canada would be to subsidize a line of fast steamers—what are called ocean greyhounds, which would make the voyage to Canada at as rapid a rate as the fastest vessel of any of the New York lines—that is to say, 18 or 19 knots an hour. It we could get a line of steamers which would travel at that rate of speed for a reasonable subsidy, it would be a very disirable thing, but I do not think it is at all probable that we shall. A line of steamers travelling at that rate of speed would require a large subsidy. They are so constructed that they burn a large amount of coal each trip, and they have but small accomodation for freight. They do not I think as a rule carry more than a thousand tons of freight each ; and while they might bring the mails and passengers very speedily, they would carry only a small quantity of freight to Canada, and the carrying of mails would be so expensive, that the subsidy required would be larger probably than this country would be justified in paying ; for I do not really see that Canada, which is not a particular wealthy country, should pay a very large sum of money for the purpose of having passengers and mails landed here a day or so earlier than they would be under ordinary circumstances. Look at the way the Imperial Government deals with this question. The Imperial Government do not subsidize mail steamers at all now ; they simply pay so much for the carrying of the mails as freight of a particular kind ; and not long since the people of this country experienced a considerable disappointment when they found that the Imperial Government, who were really more interested than the Government of Canada in the carrying of the mails across the Pacific, declined to offer what was considered a reasonable subsidy for the carrying of the mails on that ocean. The Imperial Government I contend were much more interested in that service than the Government of Canada, yet they declined to give anything like the amount which they seemed to think that Canada should pay as a subsidy to a line of steamers on the Pacific. I think, as far as we are concerned in Canada, there is no reason why we should pay an enormous subsidy for the mere purpose of getting our mails and passengers and light freight a day or so earlier than we should otherwise get them. What we should do is this : We ought to make a contract for a line of steamers which can make better time than those we have had, for as a rule those were some of the slowest of the Allan Line—those which carried the mails in winter. If we could get steamers like

the *Parisian* or *Vancouver* for a reasonable subsidy—vessels that carry two or three thousand tons of freight, instead of one thousand tons, and which make 15 or 16 knots and hour, instead of 18 or 19, we ought to be satisfied. There is this other advantage in connection with steamers of that character, that carrying large quantities of freight they would bring a good deal of business to the Intercolonial Railway; and if those steamers should make their terminus at St. John N. B., they would give a good deal of business to the short line railway which is now in course of construction; and it is barely possible that when that line is constructed the port of St. John will offer inducements in the way of freight which it has not offered in the past, and which might be sufficient to induce some company to put on a good line of steamers making that port their ultimate destination.

There is one point to which I wish particularly to call the attention of the Government, as I think that probably this matter is now engaging the attention of the Government: there is just one stipulation which they ought to see is inserted in any contract that may be made with any company. I called attention to the matter some years ago in this Chamber; and the former Finance Minister, Sir Leonard Tilley, caused a stipulation of the kind that I am about to refer to, to be inserted in the contract with the German Company, with which the Government made a contract some years ago. The stipulation to which I refer was this, that any line of steamers entering into a contract with the Government for the carrying of the mails from Europe to America and *vice versa*, should be bound to carry freight to and from Dominion ports at a figure not higher than the rate charged to the port of ultimate destination. I might explain what I mean: it has been the practice in the past for steamers subsidized by the money of the people of this country to charge much larger sums for freight upon the same quantity of goods to Halifax than to Boston. The difference was so great that importers in Halifax allowed their goods to go to Boston in bond and then had them transhipped in Boston to other steamers and brought back to Halifax, and by so doing made large savings on the charge for freight. I know it has been said that no greater freight should be charged *pro ratâ* to Halifax than is charged to Boston or Portland. I do not go so far as that; but I think it is reasonable that the Government should insist that the steamers should not charge more absolutely for a ton of freight carried to Halifax than for a ton of freight carried to Boston. That may seem a very small matter to the hon. gentleman who leads for the Government here, but it is really a matter of vast consequence to the importers in the Maritime Provinces. The extra freight paid on their goods from Europe places them at a disadvantage with United States importers and with importers in the Upper Provinces. In the winter season it places importers in all parts of Canada at a disadvantage as compared with the importers in the United States. I hope then that when the Government do act in this matter it will be found that they have made a contract which will provide for a good business line of steamers which will carry a good deal of freight and carry the mails at a reasonable rate of speed, and that this provision shall be inserted in the contract to prevent the Company from charging more for freight to the port of Halifax than to the port of ultimate destination, supposing that under the contract the steamers shall go to a port in the United States.

I might say a good deal more about this matter, and I might say something as to rumors that I have heard, that the reason why the Government had not entered into a contract with any company was that the Canadian Pacific Railway Company were anxious to get hold of this service in connection with their road, and that the Government in deference to their wishes were keeping the matter open for a much longer time than the public interests required. I do not undertake to say that there is anything in those rumors, and I do not care to discuss the question on the basis of there being anything in them; I have heard the rumors, and I have just mentioned them; and the hon. gentleman who leads for the Government here will have an opportunity now to remove the impression which has been made on the

minds of a portion of the public as to the reason why nothing has been done in connection with the awarding of this mail contract.

HON. MR. ALEXANDER—I am very glad to observe that the senior member for Halifax displays his usual industry and interest in the welfare of this country, and I am sure the House will admit that the hon. gentleman has moved for this Address at a very opportune moment. We all feel the importance of having our ocean service from this continent to Great Britain conducted so as to extend our commerce and promote the progress and development of the country. Why it appeared to me that he has chosen a very opportune moment is, that I think the Government ought upon all such important questions to consult the Parliament of the country. They might with the best intention make a very great mistake. I have listened to the report of the Minister of Finance as to the views entertained by himself and the Government of this country on the question of better mail service between Great Britian and Canada. It is desirable that Canada by its enterprise and its ambition should establish a line of steamers which would carry the mails with as great expedition as other lines and by such means hold its own in competition with the great republic south of us. I think they ought to take into consideration the admirable manner in which the Companies up to the present moment have carried our mails. I do not think the Government will be doing justice to themselves, if from any ambition, they should ignore or should forget what we really owe to the Companies who have done so much to give prominence to the Dominion of Canada in the past. The vessels of the Allan Line, and later the vessels of the Dominion Line, have made fair average passages. We have received our mails with as much regularity as via Boston or New York or any port in the United States, and I take this opportunity of saying and I am delighted to say it in the presence of the hon. leader of this House, and my hon. friend before me from Toronto, that if the Government can in the discharge of their duty, give the contract to our own Canadian lines, that such a decision would give satisfaction to the people of Canada. We ought not to be ungrateful to those who have already helped to build up this country. Hon. gentlemen know my sentiments with regard to the manner in which certain injustice was done to the Grand Trunk Railway corporation some years back by the Parliament of the Dominion. I don't believe in turning my back upon the bridge which has carried me over the stream.

The Government should bear in mind with regard to this mail contract, that in any decision they may arrive at, they should if possible give the contract to our own ocean lines unless it can be shewn that the interests of the country would thereby be sacrificed. I do claim, after 74 years of life, to have a little practical judgment, and to have had some experience, and I do not believe in urging too much speed, racing our vessels with the New York steamers. I do not believe in racing for the sake simply of a little applause from the world for delivering mails 24 hours sooner at Halifax or at Lunenburg or St. John than they can be delivered in New York. We know the loss of life which has been occasioned by this ocean racing. If we can get such Companies as the Allan or Dominion Companies, who will do the service creditably, I would much rather see that done perhaps 24 hours less speed so as to assure the safety of human life. In what way would it benefit the Dominion commercially, that we should expend more money so as to take from Bostson or New York the carrying of their mails! Of course we all know the importance of our ocean mail service being connected with the Canadian Pacific Railway, so that we should be enabled to land passengers and mails from England, Ireland, Scotland at Vancouver at the earliest possible moment after they have left Liverpool. That is very important, but I doubt very much the illusory hope that mails and passengers can reach Vancouver as was stated, even by leading public men and engineers—on the eleventh day. I dare say such could be done by lightning express trains, *cui bono* this lightning speed? I think that the Dominion of Canada

should be satisfied with doing everything from a practical standpoint, and be satisfied with landing mails and passengers at Vancouver from Liverpool in a reasonable time. If it can be done in 15 or 16 days, we should be satisfied. I think that we ought to proceed with prudence and care, and not be influenced by an illusionary ambition to try to accomplish that, which cannot be safely done.

HON. MR. KAULBACH—A few years ago my hon. friend from Woodstock spoke of the Canadian Pacific Railway in different language from that which we have heard from him this evening. We have heard him speak of it as a white elaphant; as a road, the earnings of which would not pay for axle grease to run it, and the enormous debt incurred in its construction would be ruinous to the future prosperity of Canada. I am one of those who believe that if we are to have the respect of other countries we must show a spirit of self-reliance, a confidence in our future, and a pride in the advancement and prosperity of our country. We should also take advantage of the geographical and natural advantages of the position which we hold on this continent as the highway of communication with Europe from Asia, China, Japan and Australia. The subject is one of far reaching importance at the present moment, and I believe that the time has come for the establishment of the best possible lines of steamers that can compete with the fast lines of the United States. The time has come when, if want to take passage for Europe or send light freight, we should not be obliged to go by New York, when owing to our superior geographical position with equal facilities, we could make better time from our own ports. As I said a moment ago, it is a matter of far reaching importance, and I believe at this moment, Great Britain is looking to us to see how we appreciate the necessity for a faster line of steamers on the Atlantic, so that she may correspondingly do her part in establishing a fast line on the Pacific so as to secure the vast trade and traffic that is opening up to us from Asia, Australia and the Pacific coast, and the north west states of America. I do not believe that any reasonable amount of money spent in subsidizing vessels of equal speed and capacity with those of the New York lines would be misapplied. On the contrary, I believe that the people of Canada have a pride in the present great development of their country and that they are looking at this present moment to the Government to take such action in this matter as will give to Canada the importance which her geographical and natural resources deserve in making it the great highway across this continent for the immense trade which must reasonably be expected it will command. I trust the Government, always alive to Canadian interests, will feel themselves equal to the necessity and great advantages of speedy transit.

HON. MR. ABBOTT—My hon. friend in his notice, did not give any intimation of his intention to enquire what the Government have done, or what they propose to do. I therefore made no enquiry of my hon. colleague, the Postmaster General, on those two subjects, but confined my enquiries to the subject matter of my hon. friend's address, viz.: that copies of the advertisements issued since the 1st of April last, asking for tenders: and also of all tenders received in reply to such advertisements, be laid on the table.

With reference to that motion for an address, I may say that the tenders are still under the consideration of the Government, and it would scarcely be expedient in the interest of the public that those tenders should be laid upon the table, and made public at present. As to the advertisements, if my hon. friend desires to have them, there is no possible objection to their being brought down, and if he will be content with that, there need be no controversy between us on the subject. But it is quite possible that if my hon. friend had really asked the question, what the Government proposed to do, I might not at this moment be able to give him a definite answer; because in point of fact it is a subject surrounded with difficulties, and has given the Government already much anxiety. There are a great many considerations connected with it, which have to be weighed, before any decision

can be arrived at. There is a balance to be arrived at between the cost of any particular service, and the advantage which that service would be to the country; and that is a question somewhat difficult of solution. It is one rather more extensive I think, than would be inferred from a good many of the remarks that I have heard on the floor of this House. It is by no means—or or certainly not altogether, a question of getting our mails in Montreal in a shorter time, by a day or so; nor is it a question at all of our supplying New York or Boston with a quicker mail service. That I fancy could not possibly enter into the consideration of the Government. It might be alluded to as a measure of the speed of the vessels which ought to be engaged for the mail service, but not as to the object to be attained by a fast mail service. We could not pay public money in order that letters should reach New York or Boston faster by our lines than by others. I may say that whatever the Government propose to do, they do not intend to interfere in that direction. The great question which is actually before the Government is, how can they improve the carrying trade of this country generally—both passenger and freight? The country has gone to an enormous expense in building two great lines of railway, both of which practically cross the continent. The Canadian Pacific Railway has its own line; and the Grand Trunk Railway has its connections with other lines, which also make it a transcontinental railway. Now, what is the country going to gain by this, if it does not seek to increase the traffic of the Dominion, and give greater attractions to its means of transportation in every possible way? It is for this purpose that the country has expended money on both those great railroads—quite as much I think, or nearly as much, on one as on the other; and this is among the objects which they should hope to attain by getting an efficient mail service. If a service which could compete successfully with the transcontinental lines through the United States could be obtained here—I refer to passenger traffic—and at the same time afford such facilities for the carriage of light and valuable freight as would be advantageous to the trade of the country—if those two objects could be combined, it is perfectly obvious that it would increase largely the carrying trade of the country, increase largely its attractions, and extend its connections with foreign countries, on both sides of it, across the Pacific as well as across the Atlantic. These are the objects which the Government would propose to itself I think, in going to additional expense in its mail service. Of course, to attain these objects there must be some extra expenditure. How much that expenditure may be, is very likely the crucial question in connection with these contracts, and I am not prepared to say exactly how it stands. It would not be the proper time to do so at this moment; but in reality the Government are engaged on this very question of how to arrive at a balance or average between the cost of improved service, and the advantage which that service would render to the country.

There are two or three points to which I would refer before resuming my seat.

My hon friend from Halifax speaks of a rumor that the Canadian Pacific Railway wishes to get hold of this contract, and that the Government has been keeping at back to please that company. The Canadian Pacific Railway is one of those unfortunate object of rumor upon which nearly imaginable difficulty is always saddled. In this instance, as in most others, there is no foundation for the rumor. I can assure my hon. friend not only have the Government not been keeping back this matter out of deference to the wishes of the Canadian Pacific Railway Company, but that that company and its officials have repeatedly stated to the Government, to the proposed tenderers and to the public, that they are desirous to the last degree of avoiding having anything whatever to do with the Atlantic service. They think they have enough to do in the working of their railway across the continent, and they have distinctly declared for themselves, in three or four various ways, that they intend to have nothing to do with it, that they will have nothing to do with it; unless they are absolutely driven to it, in the event of an efficient service not being obtainable otherwise.

I have been unable to gather from the remarks of my hon. friend on my right (Mr. Alexander) whether he is in favor of a fast service or of a slow service. The first part of his address tended in the direction of a fast service which would enable us to successfully rival our neighbors south of us; but the latter part of it deprecates such a service. I entirely sympathize with him, however, in his remarks on the great companies that have served us for so many years, and so well. The Allan Line and the Grand Trunk Railway are, no doubt, both deserving of high appreciation by the country, because of their aid in developing its resources. The Canadian Pacific Railway Company is now doing its share, and all those great companies are entitled to that commendation: while at the same time we cannot conceal from ourselves the fact, that their object in conducting their enterprises in the way they have done, was not primarily the welfare of the country, but primarily their own welfare, and the advantage of the country was incidental to the prosecution of their own business for their own profit. If, therefore, it should come to a question of money—if one line will performe the service, which this country requires cheaper than another line, it will be necessary to disregard the predilections which we would all naturally feel in favor of our friends, who have already been doing the service. I hope we may see it in the hands of our own people; at the same time that is a subject which must be carefully considered, and must be ultimately decided more by the difference in the cost of the particular service, than by any personal feeling any of us may have in favor of our own citizens.

The idea also of my hon. friend from Woodstock, as to racing and faster service, does not seem to be justified by my view which anybody has entertained with regard to such a service. There is no idea whatever of having racing or anything of that description across the Atlantic. What has been sought for by those advertisements is an offer to carry the mails upon ships fitted to carry mails and freight between Europe and Canada, at a faster normal rate than those which have been heretofore used for that purpose, that without pressing existing ships, or ships of a lower power, to run races with ships of larger power, we will have fast ships which would cross the Atlantic in the time mentioned in the advertisements, with the same facility that ships now run at a rate three or four miles per hour slower. As to reaching Vancouver in fifteen or sixteen days from Liverpool, my hon. friend may not be aware that the railway company and the lines which now exist, can deliver mails at Vancouver in much less time than that. I should say that twelve days is about the time, under favorable circumstances, required to carry mails from Liverpool to Vancouver, and with such vessels as the Government are desirous of seeing on the route between this country and Great Britain, the time could be lessened by a couple of days. With good vessels six days would not be an unreasonable time for a voyage from Liverpool to Quebec, and four days from Quebec to Vancouver could be managed by the railway without much difficulty, making it available for people who desire these fast passages to travel the entire distance in ten days. If my hon. friend will be satisfied with the advertisments at present, his motion might pass for the advertisements, and as soon as the tenders have been disposed of all the information will of course be laid before the House.

Hon. Mr. POWER—I think that probably, as we cannot get the tenders, there is no great object to be attained by putting the *employes* of the Post Office Department to the trouble of preparing copies of those advertisements. I may express the gratification that I feel that the few words I have said, have had the effect of drawing from the hon. leader of the House a declaration that the suspicions of those evil minded people who thought that the Canadian Pacific Railway Company might be in some way concerned in the long delay in awarding this contract, are quite unfounded. At the same time, my hon. friend will see that there has been in the past history of the country, some little foundation for the suspicions of which I have spoken. It may be remembered that the Government found themselves in a similar

dilemma in the construction of the Canadian Pacific Railway itself. The Government undertook to do the work; then they tried to get a Company to do it; and then they declared that they could not get a company, and the Canadian Pacific Railway came forward and undertook to do the work. I must say that the country has paid very handsomely for the work that has been done. However it is to be hoped that there are other companies who are in a position to tender for this service and to do it satisfactorily. At the same time, if the tender of the Canadian Pacific Railway Company were reasonable and fair, I see no reason why they should not be entitled to the contract as well as the Allan, the Dominion or any other Company. I have no interest whatever in any company: I want to see the work done satisfactorily; and I do not think that a country whose revenue is so heavily mortgaged as ours is should be required to pay an enormous sum—a sum disproportionate to the work, for carrying the mails and light freight at lightning speed from Liverpool to Vancouver. I gather from the remarks of the hon. leader of the House that the Government are now balancing the cost with the advantage; and I notice that the hon. gentleman seems to think that it would be a matter of very great advantage to Canada to be able to put passengers and mails and light freight from England in Vancouver with the shortest possible expenditure of time. Now, what is the population of British Columbia? Not more than about 50,000. Is it worth the while of this country to expend a sum which represents the interest upon many millions of dollars for the purpose of getting passengers and mails and light freight to that forty or fifty thousand people—or suppose there were a million people—a day or so quicker than they could be conveyed by employing steamers of the character that I have mentioned? I mentioned the *Parisian* of the Allan Line and the *Vancouver* of the Dominion Line. I think that those steamers are quite as good as we require just now; and they have this advantage over the ocean greyhounds, that they carry about three times as much freight as the latter do. It is in the interest of this country that freight should be conveyed through the Dominion: it is not so much our interest that mails and passengers should be carried at such a high speed; there is no money in that. There will be an advantage no doubt when there is a large traffic through this country and across the Pacific, and when the Imperial Government take their share in subsidizing vessels on both oceans; but I do not see why we should undertake to expend immense sums on a fast service, when the mother country, which is so much richer than Canada and so much more deeply interested will not expend anything appreciable. The hon. gentleman from Lunenberg talked about passengers from the United States to Liverpool going by rail to Halifax and taking the steamer there. Since 1872, American passengers have had the opportunity of travelling between Halifax and American cities, by rail, and they have never availed themselves of the chance, and the reason is perfectly clear. One of those ocean steamers is a much more comfortable place in winter than either the Intercolonial Railway or the railway from Portland to Halifax; and I do not think it can be said that in the summer time any large proportion of New York passengers will go by Montreal either, so that there is really nothin the suggestion made by the hon. member from Lunenburg.

HON. MR. ABBOTT.—My hon. friend mentioned the necessity for a condition in the contract that no more should be charged for a ton of freight to Halifax than for a ton of freight to Boston. Of course I shall have pleasure in calling the attention of my colleague to that suggestion.

HON. MR. ALMON—It has always been a sore spot to us that it costs as much to go from Liverpool to Halifax as to go from Liverpool to Boston: it is clearly legislating in favor of the United States and against this country.

HON. MR. ABBOTT—My hon. friend must see that it is not in consequence of legislation that the freight from Liverpool to Boston may be lower than the freight from Liverpool to

Halifax: that is not a matter which legislation can regulate. If my hon. friend desires to have a steamer running to Halifax, and it is necessary to pay that steamer a certain sum for calling teere, and the steamer cannot get a full cargo at Halifax—I am assuming for the moment that there is not sufficient freight to be had at Halifax for the cargo of a large steamer—if that steamer is not allowed to carry freight to some other port than Halifax, the Government must pay so much more. I am speaking now from hypothesis, because I do not know what the facts really are. If a large line of steamers were subsidized to carry the mail and had to call at Halifax with not more than half a cargo, and if they charged more than other vessels did for carrying freight to Boston, they obviously would not get any Boston trade. It is the current rate of this port that regulates the price of freight. A steamer calling at Halifax must carry freight to Boston at Boston rates or she will not get it, and if she is not allowed to do so, and cannot get a full cargo for Halifax, she must be allowed so much more for going to Halifax. On that theory the subject is not one for discussion. My hon. friend speaks of carrying mails, passengers and freight from Liverpool to Vancouver, but I would say that my idea was not confined to that: I was speaking not solely of the traffic for British Columbia, but of the trans continental traffic.

HON. MR. KAULBACH.—I was under the impression, from a remark that was made, that it was proposed to grant a subsidy to a line of steamers which would not make its terminus in Canada.

HON. MR. ABBOTT—Not at all.

HON. MR. KAULBACH—I hope nothing of the kind will be done, because it would be destructive to our interests.

The motion was withdrawn.

THE WEST INDIA TRADE.

INQUIRY.

HON. MR. HOWLAN rose to call the attention of the Senate to the state of our Trade with the West Indies and Guiana, with a view of asking the Government what course they propose to take to further extend the same.

He said—In calling the attention of the House to the question that I put upon the notice paper, my object is to find out the views of the Government on the subject of cultivating our trade with the West Indies and Guiana. I am not one of those who believe that the manufacturing interests have hurt Canada, nor am I of the opinion that the manufacturing interests of the country have been so far extended that they cannot be extended further. It is the duty of the Government to so use the public moneys as to further extend the commerce of the country wherever practicable. It is said of English commerce that trade generally follows the flag. We are now getting to be somewhat of a manufacturing country and there are countries adjacent to this continent which would be good customers of ours for manufactured goods. An examination of our exports to and imports from the West Indies and Guiana and of the import and export trade between the United States and the same countries does not show a very flattering state of affairs, so far as we are concerned. The difficulty we labor under is that we have no direct trade—no steamer communication with the West Indies such as they have from New York, Baltimore and Savannah. I think therefore that we should look more closely into those relations. Our neighbors are differently situated from us with respect to this trade, inasmuch as they have consular agents or commercial agents in nearly every important port in the world. These agents collect valuable information which is furnished to the mercantile community of the United States, such information as our commercial men cannot obtain. By every extension of our commerce we are making our manufactures better known abroad. That was the case where our manufacturers competed at International exhibitions, not only at Philadelphia, but in Australia and in England. It is time that some organization should be effected by which our manufactures could be placed before the people of the West

Indies and South America. An attempt in that direction has been made in Australia and New Zealand and I believe has been attended with good results. The experience of the United States in cultivating trade and commerce with foreign countries is a lesson which we might very well learn. I saw in the papers the other day a notice that one of our cotton mills had made contracts with a business house in China to sell 500 bales of cottons, manufactured in Canada, and were to have the refusal of 500 bales more; and that five other mills in Canada had received similar orders. If we are able to manufacture cottons of a suitable grade for the Chinese market, that will be a very important addition to the trade we are establishing here. A similar result might be attained in cultivating trade with other countries. I am aware that a great deal of information is necessary before we can arrive at a knowledge of what is required in different countries. We have a gentleman in this House who, a few years ago, in conjunction with some other gentlemen, formed a commission to visit the markets of the West Indies and make reports thereon, but Canada has very much changed since then. At that time we possessed very few manufactures. We had none of cottons, very little of woolens, none of iron and very few of wood. Another fact should be borne in mind: since then the facilities for transportation have been greatly increased. We speak now of taking passengers from Liverpool to Vancouver in ten days: there is hardly a gentleman in this House to-night who has crossed the Atlantic, that does not remember when it took a good deal longer than that to come from Liverpool to any of our Atlantic ports. My first trip across the Atlantic took 57 days. My hon. friend opposite (Mr. Power) was afraid that we might get into a way of crossing the Atlantic too quickly: a Government cannot long exist and commerce cannot long be depended upon without having a line of fast steamers. At present we are the fourth on the list. I think the French Transatlantique line is the first, the Bremen is the second, the Havre third, and our own lines fourth. We cannot long pursue that course: if we do we must necessarily lose a large amount of traffic. So with regard to the traffic with the West Indies at the present time, if we want to send any of our manufactures to the West Indies we must ship them direct by sailing ship, or by way to New York, Boston, Baltimore or Savannah by steamer. If we have to do that we cannot successfully compete with our neighbors. No steamship line can successfully run on any given route unless two conditions exist: in the first place there must be a reasonable expectation of having full cargoes from the home port, and full return cargoes. We have abundance of those products which must constitute a large portion of outward freight—lumber and manufactures of wood. For return freights we usually have raw sugars, molasses and rum, but over and beyond those articles which form the bulk of our imports from the West Indies and Guiana at the present time, there are other things which are necessary in the altered state of affairs in Canada and which we can only buy through the United States. Therefore, we are contributing to maintain their harbors and develop their trade and enrich their merchants in two ways. In the first place our raw products sell for less, as they can only be carried through their routes, and in the next place we have to pay more for the foreign products coming through two or three hands before they reach this country. From that standpoint I call attention to the fact that we have at the present time no connecting lines with the West Indies and are not doing justice to ourselves. I understand that a gentleman of known experience has been looking through the markets of South America, but we have left those of the West Indies, which are our near neighbors, to take care of themselves. You could almost leave this portion of Canada and within six or seven days go through to West India Islands by means of the communication by steam that they have among themselves. Their imports and exports with us have been of a limited nature, and not only that but a great portion of the exports from the United States are in many instances, I might say the majority of instances, the products of the Dominion in a raw state.

The West India Islands belonging to Great Britain comprise six groups which have the following areas and populations :

	Area.	Populat'n.
The Bahamas.....	5,450 sq miles	43,521
Jamaica, with Turk's and Caicos.....	4,424 "	585,582
Windward Islands..	623 "	153,035
Leeward Islands.....	479 "	120,823
Trinidad.....	1,754 "	178,270
Barbadoes.....	166 "	173,522

The total area is 12,896 square miles, and the population according to the last census is 1,254,753. Each of the six groups has its governor and council, but for convenience the trade returns and other statistical tables are usually given for all the groups together. The following list shows the values of the chief exports from the United States to these islands, according to the report of the Bureau of Statistics for the year ending June 30th, 1887 :

Animals—Cattle, $103,579 ; horses, $10,660 ; mules, $86,820 ; sheep, $18,572.

Blacking, $3,350 ; books, maps, etc., $10,082.

Breadstuffs—Bread and biscuits, $228,877 ; oats, $59,009 ; wheat flour, $1,702,990 ; all other cereals and preparations, $424,584.

Brooms and brushes, $5,526. Candles, $12,500. Carriages and horse cars, $51,729.

Coal, anthracite, $8,631 ; bituminous, $18,530. Cordage and twine, $29,973.

Cotton goods, $152,672. Fancy articles, toys, perfumery, etc., $24,498. Fertilizers, $13,441.

Fish, various kinds, $64,175.

Fruits, apples, etc., $33,333.

Glassware, $17,072. Gunpowder and other explosives, $7,047.

Hay, $19,778. Ice, $33,872. India-rubber goods, $4,175.

Iron—Hinges, etc., $13,064 ; machinery, $17,656 ; nails and spikes, $11,045 ; saws and tools, $14,907 ; scales, $3,566 ; sewing machines, $7,375 ; stationery engines, $1,260 ; stoves and ranges, $6,444 ; wire, $3,258 ; all other kinds of iron goods, $23,670.

Leather—Boots and shoes, $80,435 ; other leather goods, $12,365.

Malt liquors, $10,828.

Marble and stone, $5,634.

Matches, $9,863.

Medicines, patent and proprietary, $21,314.

Musical instruments—Organs, $4,343 ; pianos, etc., $8,690.

Oil-cake, $130,451.

Oils—Animal, lard, etc., $9,024 ; mineral, illuminant and lubricant, $163,074.

Paper, $14,144.

Provisions—Beef, canned, fresh and salted, $133,384 : tallow, $6,816 ; bacon, $35,692 ; hams, $63,493 ; pork, $428,956 ; lard, $204,706 ; poultry, etc., $1,135 ; butter, $264,307 ; cheese, $75,722 ; sundries, $81,891.

Salt, $1,231 ; seeds, $2,924 ; soap, $24,871.

Spirits, alcohol, whiskey, etc., $75,645.

Tobacco cigars and cigarettes, $73,218 ; trunks, $8,555.

Vegetables and pickles, $110,386 ; vinegar, $2,661.

Wood—Boards, etc., $278,016 ; scantling, $16,166 ; shingles, $31,208 ; shooks $125,381 ; staves and headings, $74,231 ; timber, sawed and hewed, $3,249; doors, etc., $7,641 ; hogsheads and barrels, $2,810 ; household furniture, $52,531 : woodenware, $5,583 ; sundries, $30,933.

The total value of United States exports to the British West Indies during the year was $6,465,030 ; and of this amount more than one-half is to be credited to articles of food. Breadstuffs alone cost over $2,415,000, while provisions and vegetables cost more than $1,400,000. Wood and woodenware also constitute a valuable item in the trade, the cost of the wooden commodities in the list being about $626,000. The animals imported were valued at $220,000 ; oils at $172,000 ; and cotton goods at $152,000 in round numbers. In all of these commodities, and in several others enumerated in the list, Canada is well able to compete with the United States, or, indeed, with any other exporters ; it is therefore highly probable that with improved facilities for trade the volume of our exports to the West Indies will be largely increased. During the last fiscal year, ending the 30th June, 1887, we exported goods to these islands valued at $1,182,911, all but $17,643 worth of which were of our own production ; and in the same year we import-

ed $719,152 worth from the same places. Nova Scotia did far the largest part of the trade, her exports to the British West Indies reaching an aggregate value of $1,034,968, while Ontario only contributed $18,393 of the total. The aggregate value of all the goods imported by these islands averages about twenty-eight millions of dollars; their exports are generally nearly equal to the imports. There is a strong probability that Canada will not long remain satisfied with her presently comparatively small share of this large volume of trade; she has most of the commodities that are required; all that she needs is increased facility for forwarding them.

I will now give a comparative statement of the shipments of the United States and Canada to the West Indies and Guiana for 1886-87:

	From the United States.	From Canada.
Flour	967,000 bbls.	229 bbls.
Hay.....	2,700 tons.	238 tons.
Meal	120,000 bbls.	10 bbls.
Oats	186,000 bus.	194,640 bushs
Potatoes...	321,000 "	153,929 "
Butter.....	1,250 tons.	12¾ ton.
Cheese	500 "	1½ "
Lard	15,000 "	20 lbs.
Meats	14,600 "	3¾ tons.
Soap	3,000 "	5¾ "
Lumber ...	$1,349,000 value	$259,793 value.
Confectio'y.	$23,000 "	Nil.
Refined sug.	1,500 tons. "	
Liquors ...	80,000 gals.	1,309 gals.
Wire fenc'g.	1,200 tons. "	
Cordage...	1,000 "	15 tons.
Nails & sp's	145,000 " "	
Cotton gds.	$980,000 value	$10 value.
Boots & shs.	214,000 pairs.	1,000 pairs.
Saws and other t'ls.	$100,000 value "	
Medicines & Acids....	$172,000 " "	
S. machines	$79,000 "	$4,785 value.
Woodware.	$280,000 "	$4,710 "

If steamers were available we could import direct from the West Indies, oranges, bananas, pine apples, cocoa, cocoanuts, coffee, limes, sweet potatoes, ginger, hides, lance wood, lime juice, pimento, tobacco, cigars, mahogany, dye woods and various other articles which we now obtain largely through the United States. Therefore I think that the Government would be wise if they would subsidize a steamer running from St. John, Halifax, or some of our Maritime ports, to the West Indies and Guiana, making twenty-two or twenty-three trips in the year. It would open up a trade for our manufactures with those countries and greatly tend to promote the prosperity of the country. I do not believe that the time has come when the manufactures of Canada should be destroyed, nor do I believe that the Dominion has reached such a position that she should give up her constitution and individuality as a young, growing and prosperous country. On the contrary, I believe that the policy inaugurated in 1878 has done much to build up the commerce of the Dominion and its prestige abroad. The time has arrived in our history when it is most important that Canada should stand well abroad. Our credit, it is true, is high, and we are known as a country possessing a vast public domain which is offered to the redundant population of the old world: so we ought to be known for our manufactures which have been created by the industry and enterprise of our people. We should be able to place our manufactured products in the markets of the world alongside of those of the recognized manufacturing nations. Within the life-time of most of us the manufacturing industries of Belgium have developed largely. At one time they stood, in comparison with those of England, as ours do now with those of the Mother Country, but Belgium is now able to compete in the open markets of world with England in many of her leading industries. It is clear, therefore, that by extending our commerce we can develop the industries of our country. We possess three important elements of success underlying all manufactures; we have iron and coal and we have lumber. I do not see why we should not be able to supply all the woodenwares, all the agricultural products, the boots and shoes, cottons and woolens required in our own country and in the West Indies, and escape the large amount of insurance and freight involved in importing goods across the ocean. Over and above all that, we possess a very important essential in exporting many of these goods—we have ice in great abundance. The ice crop of Maine is estimated to be worth $11,000,000 a year and it is used for shipping fresh provisions. Once a trade is de-

veloped it is almost impossible to foresee to what it will lead. Last year the export of eggs alone from Prince Edward Island amounted to 1,668,586 dozens, valued at $202,739. It shows that where there is a natural outlet for any article produced in a country, the trade can be developed, and how, when a channel for trade is opened up, it tends to continue in that channel. I hope the Government will see their way to making some arrangement, by subsidizing a steamer or otherwise, by which we may be enabled to establish closer commercial relations with the people of the West Indies and Guiana and to secure a larger share of their trade.

HON. MR. KAULBACH—I think I may be pardoned for rising to follow my hon. friend since the subject is one of very great importance to the province from which I come. It may be surprising to the House to learn that of the $1,250,000 exports from Canada to the British West Indies, Nova Scotia exports over one million, and the Province of Ontario exports only about seventeen or eighteen thousand dollars.

HON. MR. DEVER—We send nothing but fish.

HON. MR. KAULBACH—That is nearly the truth, but I want to show that we might have a profitable trade in other products. If we take all the West Indies and South America, two-thirds of the trade is from Nova Scotia, and about one-half of that is from the County of Lunenburg. When I make these statements I am sure that it cannot be considered a matter of supererogation on my part if I venture to say a few words on this subject of extended reciprocal trade relations and importance, not only to Nova Scotia, but to Canada at large. The trade is capable of development to magnificent dimensions if it is properly cultivated. I have here some statistics relative to the trade which are more logical and speak with greater force than any language I might use. Every loyal Canadian must be interested in every thing that will increase our wealth and develope our resources. I shall give some figures which will prove interesting to you, because I am sure you must all be interested in Nova Scotia's material progress and desirous of hearing of its prosperity, for the prosperity of one Province is beneficial to the whole Dominion. One province cannot be injured without the whole suffering. Now take the Nova Scotia fisheries: we have been told in some places that Nova Scotia depends on the United States for a market. That its commercial interests are inseparably bound up in the United States markets; that our fisheries would be worthless if we could not ship our fish to the neighboring country. Now all this I most emphatically deny: as a matter of fact we export more from Nova Scotia to the West Indies than we do to the United States, and a large portion of our exports to the United States go there in bond to be re-exported to other countries. Nova Scotia fish exports for the fiscal year 1887, are as follows:—To the United States, largely in bond, or re-exported to other countries, $1,358,000. To the West Indies and South America $1,700-000. To Great Britain $718,000, and to other countries $125,000. These figures I take from our Trade and Navigation Report, and they ought to silence those who persist in asserting that the United States is the chief market for our fishing products. They show that our fisheries can prosper and do prosper without the aid of the United States and regardless of the taxes Americans impose on our fish. I will now refer to Nova Scotia's imports for last year from Great Britain and the United States respectively, which ought to conclusively prove that Nova Scotia prefers the trade with England to that with America. With its tariff equally levied against Great Britain and United States, Nova Scotia imported from Great Britian $1,992,000 of dutiable goods and $1,180,000 of free goods and from the United States $1,-465,000 of dutiable goods and only $721,-000 of free goods and the same trade returns show that Nova Scotia's imports for consumption from Great Britain, were about equal to the gross imports from all other countries put together. These facts and figures must at least be satisfactory to those of us, and to all true Cana-

dians who desire to retain and strengthen our commercial and political interest with our Mother Country. Canada has sought for and is even now desirous of free trade relations with the United States, but Canadians are too loyal to seek for Commercial Union and thus to destroy our national existence, and day by day I feel more convinced that the United States will not entertain any scheme for reciprocal trade which does not tend to annexation and to crush out all our industries which have been created and fostered by our National Policy.

I have shown that,as far as Nova Scotia is concerned, we do not rely upon the United States for a market from which to import either dutiable goods or free goods, and that although we are in such close contiguity to the United States, we in Nova Scotia take our goods from Great Britain in preference—that we take fifty per cent more of manufactured goods from Great Britain than we do from the United States. I wish to impress this, because it has gone abroad, and I believe that it is supposed, or at least asserted, by some hon. gentlemen in this House that the existence of our trade and commerce in Nova Scotia depends on the friendship of our neighbors on the south of us. The following figures prove also that the natural market of Nova Scotia is not the United States. I will now give you the whole of the exports of Nova Scotia for last year. We exported to Great Britain to the value of $2,488,000; to the United States, $2,782,000; to the West Indies and South America, $2,228,000; to Newfoundland, $697,000; to St. Pierre, $130,000; to all other countries, $237,000, of every class and description of these exports from Nova Scotia, except from the products of the fisheries and the mines. I can show that Great Britain took the largest portion and by far in excess of what went into the United States, and the reason is obvious—as most of Nova Scotia's chief natural products are those of which the United States has a surplus —and of which Great Britain is the largest consumer and importer. And as to the products of Nova Scotia mines, more coal was sold in Quebec last year than in any year of our history, not even excepting the years when United States took our coal free of duty. As I said before, the exports to the United States was not as large as to other countries; but when we come to deduct from that a large amount of fish which goes into the United States from Nova Scotia to be re-exported to other countries, I say that but a very small portion of Nova Scotia's trade is with the United States. And as regard the mines, I have said that at no time in history of our province, not even during the existence of the reciprocity treaty, has so much coal gone from Nova Scotia into the United States as now goes into Quebec. Therefore when we take the fish which goes to the United States merely to be re-exported to other countries, it shows that our largest and most important export trade is not really with the United States, and that Nova Scotia can live and thrive without that trade. Among the most important articles from Nova Scotia are the products from the forests. Of these products we send twice as much to Great Britain as we did to the United States; of animals we send twice as much; of manufactures we sent nearly twice as much to Great Britain as to the United States, and of agricultural and all products of the soil, three times as much. This is from little Nova Scotia, whose existence is said at times to be so wrapt up with the United States, that without it we would be lost. I am in favor of closer trade relationship with the United States than we have at present; but when it is contended that it is essential to our existence to have the markets of the United States, I must deny, as far as Nova Scotia is concerned, that it has any foundation in fact. Nova Scotia's interests are first with Canada. Our best market is our home market—Canada; and the next best to that is Great Britain, and then the West Indies—that is so far as Nova Scotia is concerned. The County of Lunenburg from which I come is largely interested in the West India Islands. The British West Indies alone import about $30,000,000 worth of goods, and export about the same amount. The total value of United States exports to the British West India Islands last year was $6,500,000 of

which more than one-half was provisions, bread stuffs and vegetables, the rest was $626,000 of woods and wooden ware; of animals $220,000; of cotton goods $155,000. In all these and many more commodities Canada is able to compete with United States or any other country. Canada exported to the British West Indies last year $1,250,000, of which Nova Scotia contributed $1,035,000, Ontario only contributing $18,300. Canada can supply those Islands with most of the commodities they require, and can take theirs in return, and we should not rest satisfied until we secure the bulk of that trade.

All that Canada requires is increased trade relations with those Island and increased facilities for shipment. The same remarks would apply to the French West Indies but only to a limited degree. We do not stand in the same position in relation to the French West Indies as to the British West Indies, because the former are largely dependants of France, and receive their fish from France and French possessions cheaper than they can get them from Nova Scotia. In fact they are admitted, French fish and goods, into those islands under lower duties, and yet the United States exported to the French West Indies last year $1,350,000, and Canada only $50,000, principally Nova Scotia fish. The United States gave them in woods and woodenware $282,000; bread stuffs, $500,000, and provisions, $240,000. We can supply all these and can take their raw sugars and many other of their products in exchange. We must follow the example of the United States and other countries and look sharply after such markets as these which are our natural markets.

Many other articles which we can send from Canada in exchange for the products of those islands, and Canada is able to supply such products and manufactures as cheaply as they can be supplied from the United States. The West Indies require nothing that is produced in the United States in the way of iron, wooden or cotton manufactures and all products of soil that Canada cannot as readily and as cheaply supply. With the Spanish West Indies we are in a rather better position. We have better facilities and better markets. We are now by virtue of being British subjects under the most favorable trade relations with those islands, and the bulk of the products of this country which are sold in the British West Indies will find a ready market in the Spanish West Indies. When we look at the possibilities of this trade, it is our duty as a nation rapidly developing in wealth and population, production resources and facilities to expand our trade, we have all the opportunities and many great advantages, and instead of becoming dependent upon foreign countries or feeling that we cannot exist without being absorbed into the neighboring republic, we should and must look for other markets. The republican country to the south of us, which produces a surplus of the same manufactures and the same products that we do, is not the country for us to trade with. We should look first and immediately to our sister colonies, to the West Indies where the Unitee States, through its consular agents, are endeavoring to force a trade in every direction. It behooves us without delay to wake up to the importance of extending our commerce and securing every avenue by which the products of our country can find a profitable market, and not go whining to the United States. Thus will we prosper, maintaining our national sentiments and self respect.

HON. MR. ALEXANDER.—My hon. friend from Alberton (Mr. Howlan) never calls the attention of this House to any public question that he does not come thoroughly prepared to furnish most valuable information to the country. He has ever shown to the House that he has had large experience in public affairs, and he brings to the subject sound practical judgment. I dot not propose to weary the House by going over much of the ground which he covered, with regard to the extension of our manufactures, the great enterprise of our people, and the effect of the National Policy in having produced more at the present moment than our population of 5,000,000 can consume. I do not propose either to touch any of the ground which he has gone over with regard to extending our trade to British Guiana

and the West Indies. That subject has been thoroughly ventilated. I am going to make a very humble request to my hon. friend, viz: that he will extend the enquiry to include the Argentine Republic. I have taken deep interest during a long period of sickness, in reading up the most recent travels in that part of South America. Who could read without deep interest Muster's charming account of his journey from the Straits of Magellan through the varieagated scenery of Patagonia as far north as the Rio Negro river. With all the interesting episodes, with the native tribes who live with great abundance of food by the chase of various large animals and the ostrich, showing the aborigines of that region to be much more wonderful than the red man of the north. And when Captain Musters came further north into the fertile pampas or plains of the Argentine Rupublic until he reached the vicinity of the grand La Plata River which he descended to the rising cities of Buenos Ayres and Monte Video, no enlightened reader could come to any other conclusion than that that portion of South America is destined to become the abode of many millions of the human race. Then we have a later interesting book of travels by a naval officer who shows that under the improved Government in the Argentine Republic a vast population has since been streaming in from Italy, Spain, Germany and even some from Ireland. May I request hon. members to look at the last November number of Harper's Magazine, in which they will find the most sanguine dreams of all realized with regard to the growth of that country. Buenos Ayres if not already, must soon become a centre of immense trade, possessing all the advantages and blessings of good Government. Wealth is already visible in the increased comfort and refinement and luxury of its population. When we look at the magnificent provinces of Uruguay and Paraguay and the continuous rolling prairies of the Pampas extending over so boundless a region, we must all see at one glance that this is a country with whom we should be ambitious to extend our trade relations, that is, if we can by our enterprise contend against the skilled labor of Britain, the untiring industry and enterprise of the German Empire and the subtle genius, ambition and enterprise of the United States. Why should we of the Dominion of Canada not enter the field and obtain our share of the trade of such a promising, rising country as that?

HON. MR. KAULBACH—Lunenburg is sending large quantities of fish there at this moment.

HON. MR. ALEXANDER—We know that we have to contend against the enterprise of the United States and their extraordinary cleverness. One would almost suppose that the Americans really had more enterprise and sharpness than the people of that glorious land from which they sprung, so wonderous is the growth of all the manufactures throughout the United States. We have to compete against that country as well as against Germany, which is rapidly extending its trade and commerce throughout the world, and I am sure that my hon. friend will at once see the importance of embodying in his question what steps the Government propose to take with regard to extending our trade towards these new countries, which are almost exclusively agricultural, and which have not yet begun to manufacture many of the articles with which we are now glutting our markets as the result of our own enterprise. On our Pacific Coast we have an inexhaustible supply of valuable timber, and we ought to afford every facility to the great lumber merchants and mill owners in British Columbia to induce them to ship more extensively to Chilli and Peru and other South American ports. In fact we have an interest in developing not only our Atlantic trade, but trade on the Pacific. While population is going in slowly—much more slowly than we would desire—into our North-West (I do not want to criticise, but I cannot help saying that I think the Government of our North-West might be better administered so as to induce many more people to go in there) the produce from the country is very large and must find a market. Let us then extend our arms towards the Argentine Republic and to other countries of South America, where the hot

climate precludes people from producing such articles as are natural to our Northern country. Thus we may hope to see instead of depression in trade and glutted markets, progress and prosperity and increased wealth throughout the country. By the proper, well directed energy and well enterprise on the part of our Government and on the part of Parliament we may be enabled to relieve the markets which have been glutted through the enterprise of our people at home, and the competition of our neighbors.

Hon. Mr. SCOTT—I differ a little from the conclusions of the hon. gentleman who preceded me as to the policy which he thinks this Government ought to adopt to increase our trade abroad. A policy was introduced into this country a few years ago, which is known as the National Policy. It was an Act of Parliament which, in effect, declared that we did not intend or desire to trade with the outside world ; that we proposed like the boys at school to trade amongst ourselves—to swap jacknives, and the Act of Parliament has had exactly the result that those who were opposed to it had predicted. While the hon. gentle man was speaking, I sent for the last volume of the Trade and Navigation Returns, for I do not think it is quite right that a body of gentlemen should sit quietly in their seats and hear statements sent abroad which are contrary to common sense. The Government have raised up the tariff expressly for the purpose of excluding foreign trade from our country and have succeeded in doing so. I will call the attention of the hon. gentleman from Lunenburg first to the relative trade between Canada and Great Britain. In 1873, our aggregate trade with Great Britain was $107,000,000 : I find from the Trade and Navigation Returns that under the happy influence of the National Policy it has been gradually diminishing until it has got down to $89,000,000—a bad showing for a young country that is supposed to be going forward. Although it was announced, I believe, by Mr. Tilley in his budget speech, that the tariff of Canada was to discriminate against the United States, and it was represented very strongly that we were to hit the United States in that way harder than the mother country, the actual result has been to reduce the trade with the mother country, in greater ratio than with the United States. We have succeeded in cutting down the figures with Great Britain from $107,000,000 in 1873, to $89,000,000 in 1887 while with the United States our trade has decreased only from $89,000,000, to $82,000,000 in the same period. Our trade with the West Indies has also gradually diminished year by year under the unwholesome influence of the National Policy. If the hon. gentleman would like to get the sequel of that trade, it is very well-known that our chief imports from the West Indies are of the very low grades of sugar.

Hon. Mr. HOWLAN—From were ?

Hon. Mr. SCOTT—From the West Indies.

Hon. Mr. HOWLAN—No.

Hon. Mr. SCOTT—The duty on the best sugars of the West Indies is practically prohibitory and they are sent to other countries. The sugars sent to the United States from the West Indies are of a grade above the Dutch standard, known as crystal sugars, which we do not import. As as ample of the way in which we treat the trade in those couutries, I may say for the benefit of my hon. friend from Woodstock, who wants to extend our trade with Buenos Ayres and Brazil, that in the article of melado we imported last year from Brazil to the value of $938,726, on which we collected a duty of over $679,000. Of the same article we imported $146,000 worth from the British West Indies on which we collected $95,633 in duties. From British Guiana we imported $82,473 worth of Melado on which the duty collected amounted to $54,525. I think that is sufficient to show the secret of our inability to get up a trade with those countries. It is quite evident that our trade in that direction is falling off. That was our intention in establishing the National Policy—to trade amongst ourselves.

HON. MR. HOWLAN—We could not get sugar amongst ourselves.

HON. MR. SCOTT—Yes, we can produce maple sugar; but for the benefit of the few sugar refineries in Canada, in order that they may live in palatial residences, we are content to tax ourselves very heavily and so arrange our tariff that only the low grades of sugar can come in, which they shall have the right to refine, and then we give them other convenince so that they can combine and fix a price that the public must pay.

HON. MR. HOWLAN—Look at the blue book and see the amount of raw sugar we get from the West Indies!

HON. MR. SCOTT—It would take me too long to do it, because it is classed under different names. It may be here in total figures, but I am not able now at the moment to turn it up.

HON. MR. KAULBACH—If my hon. friend from Ottawa looks at the book he will find that of the trade of Canada last year, not more than half went to Great Britain, and our trade with the mother country was about $10,000,000 more than with the United States, while before the adoption of the National Policy the balance of trade was with the United States.

HON. MR. SCOTT—I have given the hon. gentleman the figures in round numbers. It is a very large subject, and I should be very glad to go into it; but in a thin house I do not propose to enter into such a discussion to-night. I say that the effect of our legislation has been to reduce our gross trade—that is including imports and exports—from $107,000,000 in 1873, down to $89,000,000 last year with Great Britain.

HON. MR. KAULBACH—If my hon. friend will take figures for 1878, when the late Government had almost destroyed the trade of the country, he will find that there were very much less.

HON. MR. SCOTT—I am not going into the details now because it is too long a story; but it is quite evident that we have accomplished all we intended when we adopted the National Policy—we have cut off our trade with foreign countries.

HON. MR. MCCALLUM—And are manufacturing for ourselves in our own country.

HON. MR. SCOTT—If the hon. gentleman wants a little more information on the subject he will find from the official return that in 1873 our trade with the West Indies was $6,000,000, and I see in this latest return that it has been decreasing year by year until last year it was $4,000,000. I think I have established the point that it is the policy which we have adopted that has killed our West India trade.

HON. MR. MCCALLUM—I just wish to say in reply to the hon. gentleman from Ottawa, who contends that the Government by means of the National Policy have succeeded in establishing a stone wall round the trade of this country, that I do not think it is any advantage to our people to have a large trade if it is not profitable. The fact is that to-day we are manufacturing and producing goods for own people, in place of sending our money out of the country to employ labour, which we now employ at home, which I consider is beneficial to this country. We have approached very nearly a discussion here on the question which has been debated for so many days in the other House—that is, unrestricted reciprocity. I do not want to go into that, but if hon. gentlemen desire to deal with it here I am prepared to give my opinion on the subject. When the hon. gentleman from Ottawa rises and tells us that the Government by the National Policy have almost destroyed this country—

HON. MR. SCOTT—I said our foreign trade.

HON. MR. MCCALLUM—When he makes such a statement he should remember that he was himself at one time a member of a Government that never encouraged any industry in this country

but the soup kitchen industry. The people of Canada were almost starving while that Government was in power, and yet the hon. gentleman and his colleagues told the public that the Government were as powerless to devise measures for their relief as the fly on the wheel was to govern the movement of the wheel. I defy anyone to contradict me when I say that there is no people to-day on the face of God's footstool that are better clad, better fed and better off than the people of Canada. What more do we want?

HON. MR. SCOTT—We do not thank the Government for it. We thank our own country and our own labor.

HON. MR. McCALLUM—The people of this country had a five years trial of the hon. gentleman and his colleagues, and found they had nothing to thank them for.

HON. MR. SCOTT—I said that we had not the Government to thank for our prosperity: we have to thank our own grand country and our own energies.

HON. MR. McCALLUM—I am very glad to hear the hon. gentleman admit that the people of Canada are energetic and able to take care of themselves. I am very proud of it, but we do not gain a living by running down our country and its people, as hon. gentlemen in opposition to the Government are in the habit of doing when they speak to the public. I do not want to make a speech, but if the hon. gentleman opposite want to discuss this question here, I am quite prepared for it.

HON. MR. HOWLAN—I wish to reply very briefly to the very distingenuous remarks of the hon member from Ottawa. If he was trying to impose upon himself he must have known very well that he was not imposing upon the House. There is not a gentleman connected with public affairs who is not aware of the fact that the volume of the imports of the country now is largely raw products. Every school boy in the land knows that.

HON. MR. SCOTT—I spoke of the values.

HON. MR. HOWLAN — The hon. gentleman was endeavoring to show that our imports have increased in value only four or five millions of dollars since Confederation, and he endeavored to show that after the inauguration of the National Policy there was not the same increase in our imports as before its adoption. He was trying to impose upon the House by making it appear that this was an indication of a declining trade, when he knows perfectly well that the importations since the adoption of the National Policy have been largely raw products, and that these have been manufactured in the country and the $80,000,000 expended in their manufacture has been spread among our own people, increasing the public prosperity. When he spoke about the sugar industry, he knew very well that it cost just as much to bring a ton of refined sugar into the country as it cost to import a ton of raw sugar, but the value of the article imported was different. The raw sugars are refined in the country, and when placed on the market for consumption are as valuable as the refined sugar that we used to import before the adoption of the National Policy. The difference in value is made up by the labor expended in refining the sugar in this country. If the hon. gentleman could have established the fact that under the operation of the National Policy the sugars sold in this country are worse than the sugars we used to import, he might have made a point, but I do not understand how any man of intelligence can rise in his place and say that the difference in value between the importation of refined sugars and raw sugars indicates a falling off in trade. The hon. gentleman pays a poor compliment to the intelligence of the House when he makes such a statement. Had he not been so disingenuous I would not have taken the trouble to reply to his remarks. He must know that the difference between the six millions of dollars for the raw product and the eleven millions of dollars for the manufactured product represents the costs of manufacture, and that

the five millions of dollars has gone into the pockets of the people of Canada.

HON. MR. POWER—The hon. gentleman may have made it clear to himself, but I doubt if he has made it equally clear to other members of the Senate. It is highly objectionable for any member to address an old and respected Senator, who has never been guilty of wilful misstatement, in such language as that which has been used by the hon. member from Alberton to my hon. friend from Ottawa. He accused my hon. friend of deliberately misleading the House. What is the position that the hon. Senator from Alberton has assumed? He reads us a lot of statistics, and wants to know what the Government are doing towards promoting trade with the West Indies. We know that before Confederation one of the means used to bring some of the Lower Provinces into the Union was that the Government of the day started up a scheme of extended trade relations with the West Indies. Some of the gentlemen who had previously been opposed to Confederation, went out to the West Indies, received handsome pay for their services, came back and voted for the Union.

HON. MR. HOWLAN—Will the hon. gentleman give us the year when those Commissioners came out?

HON. MR. POWER—It was in 1866. Other delegates have been sent since; and there is a Commissioner at present in the West Indies, Mr. Simeon Jones. Is it not perfectly clear that the merchants of the Lower Provinces and the West Indies understand their own business? If there is a profitable business to be done between Canada and the West Indies and South America, surely the people who are in the business may be trusted to find that out.

HON. MR. HOWLAN—They have found it out.

HON. MR. POWER—If so why is the hon. gentleman bothering about it and asking that steps be taken to enable the merchants to do that business which they are now doing? If they are doing a good and profitable business with the West Indies and South America now, why not let them alone? But the fatc is, as stated by the hon. member from Ottawa, the effect of our tariff policy has been largely to diminish our trade with the West Indies.

HON. MR. HOWLAN—That is only assumption.

HON. MR. POWER—There are the facts.

HON. MR. HOWLAN—But they are not facts.

HON. MR. POWER—It is not correct to say that we now import raw sugar from the West Indies where we formerly imported grocery sugars; because we import comparatively little sugar from the West Indies. We formerly did import from the West Indies, but we now import largely from Manilla and other eastern ports, inferior sugars.

HON. MR. KAULBACH—Just as good for refining.

HON. MR. POWER—That is not the question. The question before the House is how, can we increase our trade with the West Indies. The hon. member from Ottawa was perfectly right when he said that the tariff policy of the Government had been diminishing that trade; and it has diminished our trade not only with the West Indies but the world at large. Why the hon. gentleman talked about its not being much less now than it was fifteen years ago. Take a young, growing country like this, and our trade, if it has increased in a natural and healthy ratio, ought to be now nearly double what it was fifteen years ago. If the hon. gentleman and my hon. friend from Lunenburg will turn to the Trade returns of the period of the Reciprocity Treaty, a thing which those gentlemen look upon as horrible—

HON. MR. HOWLAN—What right have you to assume that we look upon Recprocity as horrible? We never expressed an opinion upon it and did not discuss it.

HON. MR. POWER.—The hon. gentleman from Lunenburg at all events, deprecated our having trade with other countries. What opinions my hon. friend from Alberton may entertain I do not know. I understand on the best authority that during the election campaign of 1878, he was a very strong free-trader.

HON. MR. HOWLAN—In my place in this House I denied that statement, and gave my explanation.

HON. MR. DEVER—Will the hon. gentlemen tell me whether he said to me on Dock St. that he was a supporter of the Mackenzie Government?

HON. MR. HOWLAN—I never told you anything of the kind.

HON. MR. DEVER—You did.

HON. MR. POWER—I think the hon. gentleman from Alberton is a little too fond of talking about his own knowledge and the ignorance of his neighbors.

HON. MR. HOWLAN—I never said a word about my own knowledge.

HON. MR. POWER—I think the better way to argue out the case is to make no personal references. If my hon. friend from Lunenburg will take the trade returns for the period during which the reciprocity treaty was in operation, he will find that our trade with the United States more than doubled, and our general trade largely increased.

HON. MR. ABBOTT—This discussion has taken a very wide range, and it is not my intention to enter upon it at all. As representing the Government I am asked a question, and I propose to answer it. I think my hon. friends have taken the hon. gentleman from Ottawa rather *au grand serieux*, because if he believed that the country was in a state of ruin he would not have said so with a smile irradiating his face. Being as I know a loyal and thorough Canadian, he would have adopted a very different tone, if he had believed that the country was on the verge of ruin. However, I dare say another occasion will be offered for discussing this subject at greater length before the session is over, and I shall content myself now with answering the question of the hon. member from Alberton. The Government is very sensible of the importance of the subject which this question brings under its notice and has at this moment under consideration the question of trade not only with the West Indies but also with South America.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa Monday, March 26th, 1888.

The SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THE WELLAND CANAL.

MOTION.

HON. MR. McCALLUM moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a detailed statement of all expenditure in maintaining, repairing, and operating the Welland Canal for the years 1870, 1877, 1885, 1886, 1887 and to the first day of January, 1888, giving the names of all employees, the amount paid each as salary or wages, the number of days each was employed, keeping each month separate, the amount of allowance, if any, for house rent, horse hire or travelling expenses to superintendent, deputy superintendents, foremen or overseers, also the duties performed by each employee and how and where employed; if deputy superintendents, giving that portion of Canal under the charge of each; if foremen or overseers, giving on what part or section of Canal they are employed; if lock masters, giving the number of lock; if bridge tender, giving the name of bridge; if carpenters, masons, or laborers, giving the division or portion of Canal on which employed, keeping separate the expenditure and names of employees on what is known as the old and the new Canal as far as possible.

Also copies of all time-lists, pay-lists, and vouchers used in paying the employees,

keeping each month separate for the above named years.

Also copies of all tenders received by the Government for the erection of the Custom House and Post Office Building at Port Colborne.

Also copies of plans and specifications and a detailed statement of material used in, and the cost of erecting the said building in the year 1887.

Also copies of all correspondence between the Minister of Railways and Canals, or any officer of his Department, and the Superintendent of the Welland Canal giving instructions for erecting the Custom House and Post Office at Port Colborne.

Also copies of all correspondence and of plans and specifications and instructions to the Superintendent of the Welland Canal by the Minister of Railways and Canals, or by any officer of that Department, for the erection of wharf or dock west of the lock in Port Colborne.

Also a detailed statement of the material used and cost of said wharf or dock.

Also giving the purposes said wharf or dock was built for and what it is used for.

Also a detailed statement of the cost of Wrecking Pump purchased for the Welland Canal, giving the date of purchase, the number of days the said pump has been used in each year, and date of such service for canal purposes; if for private purposes, giving the date of such service and the amount received by the Government for such service.

Also giving a detailed statement of the cost of Diving armour purchased for the Welland Canal, and giving the number of days it has been used and date of such service in each year.

Also giving a detailed statement of the amount received by the Government for the use of said Diving armour when used for private purposes and not for the Government service.

The motion was agreed to.

THE SENATE DEBATES.

MOTION.

HON. MR. DEBOUCHERVILLE moved the adoption of the second report of the Select Committee on the Debates and Proceedings of the Senate. He said —The Messrs. Holland, by the seventh clause of their contract, agree to have summaries of the debates and proceedings of the Senate published in the *Citizen* and *Free Press*. Last year a number of complaints were made that the reports made by these papers were not satisfactory, and the Committee recommend that the Messrs. Holland be allowed to discontinue the publication of these newspaper summaries and that their contract be reduced by the sum of $500. The second part of the report is a recommendation that better accommodation be furnished to the newspaper reporters. It must not be supposed that if this report is adopted there will be no newspaper reports of our debates; there are other reporters besides those who are connected with the local press who will report our debates.

HON. MR. SCOTT—I was not present at the meeting of the Committee at which this report was adopted.

HON. MR. DEBOUCHERVILLE—I may explain that there was a large attendance of the members of the Committee and that they were almost unanimous. They all voted for this report, except one of them, who did not object to striking out the 7th clause of the contract, but thought that as the Messrs. Holland had spoken to the managers of the *Citizen* and *Free Press*, we ought to continue these reports, for the present session at least. It was thought by the Committee that we had nothing to do with the *Citizen* and *Free Press*, that our contract was not with them, but with the Messrs. Holland.

HON. MR. SCOTT—It will be remembered that prior to the agreement made with the Messrs. Holland in April 1885, we had not received much attention from the press of Canada and the feeling at the time was that it would be better to have a summary of our debates and proceedings published in the local press. It is quite probable that there have been complaints as to the character of these reports, but they have not reached my ears otherwise than by secondary channels. Therefore I am not in a position to say anything as to the correctness of the newspaper summaries which have been published. If the Committee are assured by the outside press that they will give summaries of the debates in this Chamber, then I quite appreciate the wisdom of their recommendation. I do not know what assurance of that kind has been given, but it would be rather unfortunate, if,

after we dropped the arrangement with the local papers, the outside journals should drop us also. On the 20th inst., our reporters sent the following letter to the Chairman of the Debates Committee :—

"We have received from the *Citizen* and *Free Press* assurances that they will publish satisfactory reports of the Senate Debates during the present session, and we know that the manager of the *Citizen* has secured the services of a reporter well qualified to do the work. In the expectation that the agreement of last year would be renewed after the organization of your committee, both papers have been publishing summaries of the debates since the opening of the session. If, therefore, you wish to continue the newspaper reports, it is only necessary to instruct us to that effect."

Mr. Mitchell, of the *Free Press*, addressed a letter to myself saying that he had engaged a reporter and was prepared to give any satisfactory assurance that the reports would be faithfully made every day. I wish hon. gentlemen would look up the files of the local papers of the last week. They will find there the best evidence as to whether it is necessary to continue the small payment to the *Citizen* and *Free Press*. In the debate on the question of the Behring Sea seizures the *Citizen* of the following morning published a very full report. I do not know that it appeared as fully in any newspaper outside of Ottawa. The Chairman has said that he believes that the reporters for journals outside of Ottawa are quite prepared to give reasonably full reports of the debates and proceedings of this Chamber—so far as they are interesting, I suppose. If that proposition is carried out, of course the necessity for having local reports ceases altogether. Personally I should have preferred had the arrangement continued as it was last year, but as the Committee were nearly unanimous I do not propose to intervene unless it is the opinion of a majority of the members in this House that the report should not be adopted.

Hon. Mr. REESOR—The report, to which the hon. gentleman has just referred, of the debate on the seal fisheries of the Pacific coast, appeared in the press of Toronto, particulary in the *Mail* and in the *Globe*, just about as fully as in the Ottawa papers, and I think that the proceedings of the Senate would be generally better reported if the press throughout the country were served alike. To subsidize one portion of the press would give dissatisfaction to the others, but if the matter is left entirely open, I think it will be found that all important debates will be very fairly looked after and reported in the press generally.

Hon. Mr. KAULBACH—If I thought that the predictions of my hon. friend who has just spoken would be realized I should certainly vote for the report, but my impression is that he will find that the inducement to publish daily reports must be this subsidy. If we cannot get the work satisfactorily done for $500, I am very doubtful if we can secure it by withdrawing the subsidy altogether. The report on the important question of the Alaska Fisheries was very perfect, although greatly condensed ; but the debate on Friday in reference to our trade relations with the West Indies was most unsatisfactory. Some of the hon. gentlemen who spoke on the subject were not even named, and I think some were mentioned who had not spoken at all. In that instance there certainly must have been very great neglect somewhere. I do not approve of the report. If we can secure a fair summary without renumeration, it would be satisfactory, but I doubt whether the change will have that effect.

Hon. Mr. VIDAL—As a member of the committee, I wish to corrobrate the Chairman's statement as to the motives which guided us in coming to the decision which is reported to the House. Although my hon. friend from Ottawa has not heard complaints, I may repeat the statement made by the Chairman that the complaints last year were numerous, that a great many members complained of the inaccuracy of the reports in the newspapers and thought that they certainly were not worth the amount that was paid for them. The objection, which has been mentioned, of making a distinction by paying two newspapers and not paying the others, also had its weight. The amount which was allowed for the service was not sufficient

compensation to warrant the employment of persons properly qualified to make condensed reports; that was a great difficulty, but there was another, and a still greater, difficulty to which allusion is made in the latter part of the report, that is, the lack of proper acccommodation for the newspaper reporters in this House. I believe that this is the main reason for the defective character of the reports which have appeared in the press. There is a tendency on the part of most of us in addressing the House to speak towards the Chair or the upper part of the chamber, and it is utterly impossible for the newspaper reporters, in the place assigned to them, to hear distinctly what is stated by members who speak with their faces turned towards the Chair. I have gone to the spot myself to ascertain how far the complaints made by the newspaper reporters were justifiable, and I certainly was unable to follow some of those who speak most clearly and distinctly in the House. If better accommodation were furnished, I believe that the reports of the Toronto newspapers would be more full and satisfactory than they have hitherto been, and I do not think it is likely that we will get a fair report from any paper until better accommodation for the press is provided. How that can be done it is not easy to decide, but it was supposed that if the House would concur in the report of the Committee that it was desirable to improve the accommodation for the press, the Minister of Public Works might confer with the chief architect to see what might be done to meet the wishes of the House.

Hon. Mr. ABBOT—With reference to the suggestion as to providing better accomodation for the reporters, the subject has been under discussion here since the commencement of the session. Our late lamented Speaker took considerable interest in the matter. And I myself was approached on two or three occasions by an hon. member of the House making a suggestion for the accommodation of the reporters which seemed to me to be a very judicious one, and was one which he said the reporters were quite satisfied with—that is to say, to cause a table to be placed behind the clock on each side where they could sit very comfortably and be in a position to hear everything that passed in the House. With the assent of the late Mr. Plumb, I stated to this hon. gentleman that if the reporters concurred in making that application to the House, everything would be done that could possibly be done to meet their views; and probably there would be no difficulty in getting seats and tables arranged for them at the places which they indicated. I have not heard anything more on the subject, but I quite feel that we should provide such an accommodation for them as to enable them to hear what is going on, and I have no doubt if we say anything worth hearing, which I assume we do, that it will be reported to the public by the reporters.

Hon. Mr. POWER—I think the suggestion would be a very desirable one if the seats in this House were arranged as in the House of Commons—if the members of one political party sat on the left and the members of the other on the right of the Speaker; then the reporters whose politics were those of the majority of the House could sit on the left hand and hear the speakers on the right of the Chair, while the Liberal reporters could sit on the right of the Speaker and hear the remarks of the gentlemen of the Liberal side of the House. It is quite impracticable for a reporter, placed at a considerable elevation and at a considerable distance behind a member, to hear what that member says. I think that the suggestion made is not perhaps as valuable in this House as it would be in the other Chamber.

Hon. Mr. ABBOTT—I think my hon. friend misunderstands me. I made no such suggestion: it was an hon. gentleman on my left who came to me from the reporters and stated to me that the reporters had made such a suggestion and I replied that if the reporters concurred in that suggestion I would have no objection.

Hon. Mr. POWER—I think there is that objection, which I have urged. It was suggested at a meeting of the Committee that a table might be placed

close behind the official reporters on the floor of the House, but I think the feeling of the Committee was that it would be too great an infringement on the precincts of the House admitting strangers, as reporters are regarded, on the floor of the House. I cannot help thinking that perhaps on the whole the best practical arrangement, the one that would give the greatest satisfaction with the least upsetting of existing arrangements and the smallest expenditure of money, would be to place the reporters where they were for some weeks at one time, at the rear of the House, on both sides of the Speaker. In that position they could hear everything was said, and the accommodation might be furnished with almost no expense. I am quite aware that from where the reporters now sit, at the corners of the chamber, it is quite impossible to follow the debates.

HON. MR. OGILVIE—I suggested myself to the leader of the House what he mentioned a few minutes ago. The change required is trifling. The seats are now there, and all that is necessary is to change them to the position desired and to put a desk for the reporters to write at. That could be tried, and if the arrangement is satisfactory it can be continued; if it should not prove satisfactory there is very little time, trouble or expense involved in making the change. That is what I stated at the time, that the reporters would be satisfied to have tried. The leader of the Government said he was agreeable, and I said that even now if it were done the expense would be trifling and if it was not successful we could try something else after.

HON. MR. DICKEY—I am very glad to hear from the leader of the House that there is no intention to interfere with the frame work of this Chamber and I hope that no suggestion will be made, or, if made, that it will be defeated, to make any change which will in any degree mar the beauty and symmetry of this room.

The motion was agreed to.

BILL INTRODUCED.

Bill (21) "An Act respecting the Port Arthur, Duluth and Western Railway Company." (Mr. Clemow.)

MIDDLETON DIVORCE BILL.

READING OF PETITION.

The order of the day having been called

Reading Petition of William Henry Middleton, of the City of Ottawa; praying for the passing of an Act to dissolve his marriage with Mary Froude Middleton, formerly Mary Froude Wise, of the City of Ottawa.

HON. MR. CLEMOW presented the declaration of service of notice on the respondent.

The petition was read and received.

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Tuesday March 27th, 1888.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE COLONIAL CONFERENCE AT LONDON.

MOTION.

HON. MR. DICKEY moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House, a copy of the proceedings of the Colonial Conference at London, in 1887, so far as they relate to Imperial postal and telegraphic communications through Canada, together with any correspondence between the Imperial authorities and the Dominion Government or any of its Departments on that subject since the date of the Conference.

He said:—The first Colonial Conference, I trust the precursor of many such, was held in London last year. Among the important subjects there discussed was that of Imperial Postal and Telegraphic communication through

Canada, a matter of vital interest to the people of this Dominion. I trust there will be no objection to affording the House and the public the information which is asked for in this motion.

HON. MR. ABBOTT—The Government has no objection and the papers will be brought down.

The motion was agreed to.

PORT ARTHUR, DULUTH & WESTERN RAILWAY COMPANY'S BILL.

MOTION.

HON. MR. CLEMOW moved :—

That Rule 61, requiring twenty-four hours' notice of the consideration by a commitee of a private bill originating in the House of Commons, be suspended with respect to Bill No. 21, intituled : "An Act respecting the Port Arthur, Duluth and Western Railway Company."

He said :—This motion is made with a view to having the Bill referred to the committee immediately, in order that it may pass before the recess, as a gentleman who is largely interested in the work—Sir Alexander Galt—is about to proceed to England. I hope there will be no objection to the motion.

The motion was agreed to.

THE EASTER HOLIDAYS.

MOTION.

HON. MR. ABBOTT moved :

That when this House adjourns to-morrow, Wednesday, 28th instant, it do stand adjourned until Wednesday, the fourth day of April next, at half-past eight o'clock in the evening.

He said—The other House is adjourning until the evening of Tuesday the 3rd ; this is only one day longer. I do not know what hon. gentlemen may desire do about this, but I place it before the House in order to elicit the opinion of the Senate more than anything else. This adjournment I can recommend, but it is possible that some hon. gentlemen may desire a longer period.

HON. MR. POWER—I have not been in the habit, as a rule, of favoring long and unnecessary adjournments, but I propose to depart from my usual rule in this case. The position, as I understand, is this: the debate on the Reciprocity question is not at all likely to terminate until the close of next week. I think it is morally certain that the debate will not terminate any sooner, and the consequence will be to come back here next Wednesday and have no more before us than we have to-day. The effect of an adjournment for a week is to enable gentlemen who live at a convenient distance to go to their homes and see their families, transact their private business and come back again ; while to a large number of hon. gentlemen the adjournment of a week simply means that they must remain here idle during the recess. If the majority of the House is willing to extend the adjournment, my suggestion would be to adjourn until to-morrow fortnight.

HON. MR. ALEXANDER.—I am very sorry that my hon. friend the senior member from Halifax, with whom I generally agree, has asked for a longer adjournment. I could mention many reasons why the House should not adjourn longer than a week.

The motion was agreed to.

THE GREAT MACKENZIE BASIN.

INQUIRY.

HON. MR. SCHULTZ rose to call the attention of the hon. members of the Senate to the value of that part of the Dominion, lying north of the Saskatchewan watershed, east of the Rocky Mountains and west of Hudson Bay, comprising the Great Mackenzie Basin—its extent of navigable Rivers, Lakes and Sea Coast, of Agricultural and Pastoral Land, its Fisheries, Forests and Mines , with a view to an inquiry into its possible Commercial and Agricultural value, by Committee of this hon. House or otherwise.

He said—In calling your attention to the subject of which I have given notice, I do so with a good deal of diffidence. I do so because I feel that after the consideration of North-West subjects that

we had last year and the Report which followed their investigations, many hon. gentleman must have felt that we had exhausted the subject of the agricultural and other economic resources of the North-West. In asking your attention to that part of Canada which forms the subject of the notice I have put upon paper, I wish to draw attention to that country which lies North of the Saskatchewan watershed. As hon. gentlemen are aware, the watershed of the North Saskatchewan does not extend much North of the banks of that stream. In fact a cart or waggon road between Edmonton upon the Main Saskatchewan and the steamboat landing upon the Athabasca only extends over a distance of 90 miles, and for many miles these two great rivers run almost in parallel courses, and, indeed, the elevation is a very low one, which forms the height of land, for the streams that empty into the Athabasca in the North and the streams that empty into the Saskatchewan on the South interlace each other. Now, taking this for our southern boundary, I ask hon. gentlemen to take into consideration the resources and possible economic value of that great tract of country lying between the Rocky Mountains and the west coast of Hudson Bay, which has for its southern boundary the height of land between the sources of streams which unite to form the great Mackenzie river, from those which empty their waters into the Saskatchewan ; and when I state the area of this part of Canada, exclusive of the islands, of the Arctic archipelago, to be about 1,200,000 square miles, honorable gentlemen will agree with me that a country as large as the whole of France, Germany, Austria, Italy and Spain together, has in it it economic possibilities great enough to warrant their present serious consideration and an exhaustive investigation afterwards by a special committee of this hon. House.

I am aware that this great region has been classed among those portions of our Dominion where ice and snow hold unbounded sway, producing only the scant vegetation of arctic and subarctic life. That it is the natural home of the reindeer and polar bear, the hatching ground of migratory wild fowl, and the residence of a few Esquimaux and Chipewayan Indians who eke out a scant subsistence by the pursuit of fur-bearing animals and the Cariboo, which Providence seems to have designed for their especial use.

I commence then the discussion of this subject with a full understanding that in this practical age if I fail to show that an incorrect estimate has been made of the resources of this region, if, in fact, I cannot convince hon. gentlemen, that a very considerable portion of the part of Canada in question is not only fitted for the production of cereals, that its forests and mines are valuable, its fisheries extensive, and important, then I will have occupied the time of this House to no good purpose and I shall regret having done so. If, however, I shall have made out, as the lawyers say, a *prima facie* case, I hope that another Committee may be struck as the natural sequence of the Food Committee of last session, just as that Committee was the natural outcome of a memorable committee of this House which, reporting in 1870 upon the future possibilities of the Northwest, gave to Canada an idea of the richness of the possessions they had acquired and an impulse to the stream of immigration which has flowed continuously ever since.

To enable me to place before hon. gentlemen my views upon this subject, I have laid upon the table two maps, both of which have been marked so as to indicate the areas of possible cultivation, one of barley, the other of wheat; other marks indicate the extent of pastoral land, and others have been roughly placed there to show the breaks (only two) which exist between navigable water on the Athabasca River, ninety miles from Edmonton to the Polar Sea; and I may here state that much of the information these maps contain is due to my hon. friend the Senator from the North-West, whose probable absence from the House at this time is particularly unfortunate, but who has very kindly allowed me to use in this House information of the greatest value regarding the animals and plants and other matters connected with this great region.

In the discussion of the resources of this region we must class first, in this

practical age, as being of economic value, that portion of the surface which is alluvial or diluvial and rich enough in the chemical constituents which render, under favorable conditions, the growth of cereals possible. I have reason to believe, from a number of competent authorities, not least of whom is my hon. friend, the Senator from the North-West Territories, that over a considerable portion, in fact an immense area of nearly 300,000 square miles, the conditions exist for the growth of all the ordinary cereals and root crops, and this brings me to speak of the climate of this great extent of the earth's surface which is otherwise fitted for the production of food enough for many millions of men. My hon. friend, the Senator from the North-West Territories, informs us that the assertions made by other authorities as to the growth of wheat as far north as latitude sixty-two degrees at a Hudson Bay Company's post named Fort Simpson, is quite correct. From the same sources I learn that barley has been grown at Fort Yukon and Fort Good Hope, one of these places at least, being slightly within the Arctic circle. These facts would lead one naturally to consider the effects of the severe frost upon the cultivation of these cereals, which are the principal food of civilized men, and I find upon reference to Sir John Richardson's work that in October of the year 1837, the ground at one of these northern points had thawed to the distance of eleven feet, while at York Factory, much farther south, it had only thawed a distance of three feet in the same month, and it is difficult to understand why this should be if we fail to keep in view the powerful influence of the warm currents of the Pacific coast,and the fact that on an equal parallel of latitude the Pacific is about 20 degrees warmer than the Atlantic, and any of the ordinary maps published by the Agricultural Department of the Government of Canada will show that the isothermal lines which maintain parellel courses, at the south of the head of James' Bay trend rapidly northward while going to the west. In fact it would seem as though the line of the Laurentian formation, which extends south to the north bank of the Ottawa river, near this city, thence striking the shores of Lake Superior, and striking the east shore at the foot of Lake Winnipeg it at once assumes a more northerly than north-western course, striking some of the eastern affluents of the Mackenzie River near Great Slave Lake and continuing thence at about an equal distance from the bed of that stream to the polar sea, it would seem I say, as though in some way not easily understood, this Laurentian range was the natural isothermal line, or rather the line of equal summer temperature through the continent.

Now, it is a startling fact to assert that barley can be grown, as well indeed as potatoes, in the neighborhood of or so slightly within the Arctic circle, but it must be remembered that in this Canada of ours nature sleeps, so far as plant life is concerned, during the winter months, be they long or short, and that in so far as climatic conditions affect the growth of cereals we need only take into account the months of June, July and August; and when I give from a perfectly reliable source the average temperature at two o'clock each day during these three months at the following places, viz.: Fort Yucon, latitude 66 degrees, June 62 degrees, July 74 degrees, August 71 degrees; Fort Simpson, June 73 degrees, July 61 degrees, August 68 degrees, it will be seen that those conditions necessary for the successful growth of the cereals in these regions, richness of soil and suitability of summer climate, are present, and it may be well to remember generally that the mean annual temperature of Sitka is about that of Montreal.

But there are in addition to these, two other causes which act upon the growth of cereals in these regions. It is generally assumed that the successful growth of wheat can only be obtained by somewhat constant summer temperature for at least one hundred days at about sixty degrees Fahrenheit, for I believe that these conditions are not always present during the wheat growing season in the British Islands, fifty-nine degrees I am informed being near the average temperature which obtains there.

We have, then, soil rich enough and

climate mild enough at least for three months, to produce these grains, and the two other causes which aid their production are these: It must be remembered that in the latitudes which I have mentioned as being the supposed northern limit of the growth of these cereals there is present the fact that each day of the required number has during these three months eighteen hours of sun-light, this being at least three hours more of the growing influence of that luminary than is to be found in the present average wheat belt of our Dominion, and the shorter nights prevent the cooling of the soil. The other condition is one which has generally been asserted to be the reason why wheat and barley cannot be expected to be successfully grown at all. I allude, of course, to the deep penetration of the frost. Hon. gentlemen will remember that in the investigation which took place under the chairmanship of Mr. Roebuck, by a select committee of the Imperial House of Commons thirty years ago, the deep penetration of the frost was given as a reason why crops in the country in question, and indeed farther south, could never be depended upon. The fallacy of the argument, drawn from what was an undoubted truth, is indeed made prominently evident by the fact that in a country, I mean Manitoba, where the frost penetrates very often to a distance of five or six feet, 25,000,000 bushels of cereals were produced in a year of drouth which extended over all other portions of Canada and over the greater portion of the northwestern United States, the cause being simply that, while indeed the plant received but little moisture from above, yet this frost in coming out pulverized and rendered the soil friable, admitting of the deeper penetration of the roots of the plants, and gave back gradually, as the heat of summer increased, to the upper crust, that moisture which was needed and that which indeed produced the wonderful crop of 1887. From this it can be easily seen that the frost which was so feared as an enemy to agriculture in these regions thirty years ago, now proves to be the husbandman's best friend, and whatever may be the result of the investigation of the Committee, which I hope may be struck by this honorable House for the purpose of investigating more fully the agricultural and other resources of this vast region, the frost at least I venture to predict will not be used as an argument against this possible future agricultural wealth.

For the reasons mentioned, and upon the strength of the best information I have been able to obtain, I have reason to believe that there exists a belt within the limits of the district in question at least of 200,000 square miles which will produce wheat, while the whole area may be depended upon to produce to a great or less extent a more hardy class of cereal plants.

I have had occasion, during the time I have occupied the attention of the House, to allude several times to the value of the information which has been afforded me by my hon. friend, the Senator from the North-West, and I learn with regret that, appointed at a late period, he hastily left the very important superintendency which he exercises over a considerable and important portion of the Hudson's Bay Company's trading district, it will be impossible for him, for part at least of the remainder of the session, to give us the advantage of his presence here, in view of his absence which is caused by necessity of proceeding at once westward on very important business, he has very kindly given me much information which he is willing to contribute to our knowledge of this region, and I will take the liberty at this stage of giving to the House some of the very important information which that hon. gentleman has given me of the animals and plants of that vast region and his own and other competent gentlemen's still more interesting information of the possible transportation or its products by water. He says regarding animals:—The cariboo is the principal animal. It is to this northern region what the American bison was to the Saskatchewan plains. There still remains some of the wood buffalo. This an animal larger than the American bison of the plains. They are in his opinion the same animal, but they are larger, coarser

haired and straighter horned. I mention this peculiarity of difference in the horns, because he believes that the shape, and the broken and crooked nature of the horns of the prairie buffalo has been caused by his habit of digging into the gravel, whereas in the more northern species they had to contend with other conditions where straight horns would be of more use, as for instance, they use them there for clearing aside from their pathway the brush and luxuriant undergrowth. These animals would in his opinion weigh at least 150 lbs. more than the buffalo of the Saskatchewan plains. In the northern regions the vetches and grasses are so high and the snow fall not being unduly heavy, they have not had to paw and break the crusted snow, as was the habit of the prairie buffalo, and they may account for their superior size. In the country where these are found horses cannot be used in pursuit, and they are stalked in the same manner that the moose and and other large animals are.

He tells me also that it is difficult to form an accurate estimate of the number of these animals that may yet be left. But perhaps investigation yet may show that 500 or 600 may yet remain in scattered bands. But owing to the fact that the horse cannot be used in pursuit it is more difficult for the Indians to hunt them, and indeed to find them, than it was in the old days of hunting upon the plains. So rank is the undergrowth of this rich country, and so difficult is it for the Indians to get at these animals, that perhaps just now any attempt on the part of the Government to afford protection to them would be useless. If, however, some regulation which would prevent white sportsmen from deliberately coming into the country to hunt these animals for mere pleasure it might result to advantage. At present it would be vexatious to the Indians and of no great use, as the animal has become in its habits so much like the moose that he is able in a great measure to protect himself. He thinks that there has been no very appreciable difference in their numbers during the last fifteen years.

He mentions the cariboo as being the most important food animal of the country. They have another animal, the musk ox. He frequents the barren lands east of the MacKenzie River, and between that and the coast of the Hudson Bay and the Arctic Sea. His habits are to spend the summer in the barren lands mentioned, and in winter he seeks shelter in the wooded districts of the Peace River and the neighborhood of Fort Good Hope. In the month of April he goes back to his summer haunts. These animals are not so numerous as the cariboo, but are found in about the same numbers as the moose deer. The musk ox frequent a district farther north than the favored feeding grounds of the moose, and consequently the males of these animals seldom meet. If they did it is not improbable that there would be a well matched combat. A large musk ox would weigh about 500 pounds. Their shape more resembles the buffalo than the moose, and they are killed by the Indians by stalking them. They are shot principally for the rich robe that they produce, as their flesh is not considered desirable on account of its musky taste. The horns of these animals are curved like those of a ram.

Standing in the same category in regard to numbers is the moose. This is the same animal which is found in the northern parts of Quebec and elsewhere in Canada, and is also the same which is found on the Russian coast opposite Alaska. Their weight is about 600 pounds when dressed. Their horns do not differ from the eastern variety.

Cariboo however is essentially the food animal of the country. They come from the north in bands sometimes of many hundreds, are easily killed by the natives, and even yet seem to exist in almost countless numbers. This is to be accoutnted for from the fact that their breeding ground is from Great Slave Lake eastward, in what is called the barren lands, where they rear their young in what is practically to the Indians an inaccessible district. In large bands during the first part of December they seek the woods to the west. The Indians conceal themselves in the bush along their regular pathways, which are perfectly known to the Indians and to themselves, the only errors

being made by the fact that the Indians may choose one pathway when the animals by some instinct choose another. But they always travel in these pathways both going and coming. They travel like flocks of sheep, in wide well beaten roads. Mr. Hardisty states the cause of starvation, which is often heard of, arises from the fact that while the Indians are waiting at one pathway the animals may have chosen another many miles away, thus depriving the Indians of their season's supply of cariboo. Their horns are of a size and shape between the moose and the reindeer, the animal itself being smaller and rarely exceeding in live weight about 300 pounds. Hunters have been known to kill 100 cariboo. Their flesh is preserved frozen for the winter.

The Honorable Senator from the North-West states, also that of the food supply of the natives of this country as well as the servants of the Hudson's Bay Company, fish ranks first and pre-eminent. Next to this is the cariboo. Next the moose, then follow in the order of their importance, the lynx and rabbits. But the rabbits, like others of their species in Manitoba and elsewhere in the North-West periodically die off from a disease which is apparently a sort of epizootic, affecting the throat of the animal, which is found swollen when they die. The lynx disappears with the rabbits, because the rabbit is his natural food. Next in order of importance is the wild fowl, in the spring and fall, and these in the seasons mentioned are in almost countless numbers.

Wheat grows, he says, as far as Fort Simpson. Barley oats and potatoes have been found to grow as far north as the junction of the Great Bear river with the Mackenzie, in latitude 65. At Fort Good Hope, within the Arctic circle small potatoes have been grown.

The spruce (poplar spruce) he says, is the principal timber prevailing on the Peace river. The aspen grows on the uplands. Several varieties of the large cotton wood trees grow in the lowlands of the valley.

In regard to the size of the Mackenzie, he says it is about six miles wide at its mouth, at Fort Simpson it is a mile wide and thinks the river is about 1500 miles from Great Slave lake to the sea. Fifteen hundred miles from its mouth the river is one mile wide, at Fort Simpson. The shallowest part, is about five feet deep. At Fort Simpson it is about fifteen feet deep.

It is navigable from Fort Simpson to the sea. There is a boat, eighty-five by fourteen feet beam that runs from Fort Simpson down. It draws five feet of water, and is in use by the Hudson Bay Company. They can go down to the sea when it is free from ice at the mouth. There are whales and seals at the mouth of the river. Coming up the river the boat can come up to Fort Simpson, in latitude fifty-nine and a half, another boat can go down Athabaska river from the Landing and forty miles into Slave river, and across Slave Lake 170 miles, also up the river into Lesser Slave Lake, 170 miles. The boat is 130 feet long with 24 feet beam and capable of carrying 150 tons. Average depth of water from 3 to 10 feet. It has a carrying capacity with two barges of 300 tons.

On the Peace River alone there is almost 700 miles of comparatively uninterrupted navigation, the river being on an average 1,000 yards to one mile wide.

The Mackenzie River in its general character resembles the St. Lawrence, and is not at all like the Missouri and Mississippi, inasmuch as it is the outlet of a number of immense lakes, the extent of which no man yet knows. There is not the excessive rise and fall there is in the Saskatchewan, Missouri or Mississippi Rivers.

In these lakes he knows of the following fish: Pike or Jack fish, White fish. These White fish being in his opinion better than those of the lower lakes.

Great Slave Lake, he says, the largest of the lakes, partakes of deep water navigation. There are islands and good harbours. The lake itself abundantly stocked with fish, one large island upon it being the especial place chosen for the supernumerary men of the Hudson Bay service to winter upon.

From the maps which I have placed upon the table of this House, hon. gentlemen will see that a rough estimate of the

area in square miles of that part of Canada, bounded on the north by the Polar Sea, on the east by the west coast of Hudson Bay, on the west by the Rocky Mountains, and on the south by the Saskatchewan watershed, will be found to be about 1,210,000 square miles. The general southern boundary is latitude fifty-four degrees, and the longitude of the west side of the Hudson Bay ninety-four degrees. The western boundary on the south west is in longitude 120 degrees, while the north western boundary is more than 140 degrees. From north to south I am counting on sixteen degrees, or 1,120 miles, and with the breadth already given makes almost a square or nearly 1,210,000 square miles, and I may mention that this does not include the great Arctic archipelago, for I have only taken the northern limit latitude seventy, which does not take in any of the great islands of the Arctic ocean.

It will be seen by this calculation that the southern boundary from east to west is about 1,150 miles, and the general breadth might be placed at 1,050 miles, giving the area I have mentioned. On the west, I count a depth of sixteen degrees, while in reality it is over that. The depth, therefore, would average 1,120 miles from north to south.

I find also from the best know authorities that if the country which may be considered alluvial or diluval, that is the fertile lands, has at least an area of 300,000 square miles, while if we take as fertile all of the whole area, except that portion lying east of the Mackenzie river, Slave river, and a line from Athabaska Lake by Reindeer Lake to near Cumberland House of the Saskatchewan. To the west of this line it is of a different character and is equal to the more southern region in regard to soil, but has a colder climate. Nearly one half of the area, or in round numbers 400,000 square miles is of this description. Of this one half is suitable for wheat growth, some of the questions which naturally meet us are the following: How far north has wheat been grown? How far north has barley been grown? What area in square miles may we hope, with further exploration to find, will be found adapted for the growth of wheat and barley. Now, in answer to this we must quote the best of those authorities that are at hand, and we find in Prof. Macoun's book that Senator Hardisty's brother informed him in 1875, that wheat ripened four times out of five at Fort Simpson, below the confluence of the Liard and Mackenzie rivers, latitude 62; and that he was informed while at Fort Chippewayan on Lake Athabaska that barley ripens almost every year at Fort Yukon and other points almost under the Arctic circle.

Dr. Dawson also bore testimony in 1879 to the good quality of arable land in the Peace River district. So that on Peace, Athabasca, Laird and Mackenzie rivers, we are to infer that there are vast areas of fertile soil with a climate suitable to to raise all kinds of vegetables and barley in the whole area, and one-half of it suitable for wheat.

In this practical age, as I said before, the question of the value of our northwestern Canada must be largely determined by the extent of its wheat-growing area. Still it is worth while discussing the natural animal products of the country as giving an idea of the extent of its pastoral land and the value of its natural food supplies, and from all sources of information I infer that all the lakes team with fish. White fish are the staple, but trout of various species, some specimens of which weigh over forty pounds are also abundant; pike and carp are also common. The chief quadrupeds are moose, bear, buffalo, musk ox and beaver in the Peace river region and the Mackenzie, while in the barren grounds to the east of that river the cariboo is particularly numerous.

Geese and ducks are shot in great numbers, in the autumns and spring but chiefly in autumn, at all the Hudson Bay Posts, but the Indians do not shoot them usually for food, as powder and shot are dear. Rabbits are a source of supply in all the forest regions and indeed throughout the whole region, but die off periodically as is the case further to the South and West.

Moose, cariboo, white fish, geese and ducks are dried by the Indians for winter use.

The fishes of the region are of great economic value and are one of the staples of the country. The species in greatest abundance is whitefish, after those come goldeyes, identical with those in the Red River, then "Doree" or pickerel, them jackfish, and at least two species of trout.

Very little is yet known of the value of the Sea Fisheries at the mouth of the Mackenzie but there is reason to believe that the mouth of the Mackenzie is a suitable harbor for fishing vessels where whale and seal may be taken and where there is reason to believe there are multitudes of fish and o her sea animals.

As regards the mineral wealth of this region Sir John Richardson is said to have been so struck with it during one of his voyages that he seriously advised one of the officers of the Hudson Bay Company to give up their fur trade and devote the whole of their efforts and resources to the developement and transportation to England of the minerals of the country. To be sure little is known of the mineral wealth of the country, except that which shows itself on the banks of the water courses now in use, and we can judge from these what the mineral wealth of fhe region may be.

Gypsum or plaster of paris is in immense quantities on Peace River near Peace Point.

Crude sulphur is found bordering small brooks that flow into the Clearwater above the forks of the Athabaska.

Copper. We learn from Dawson and from the discoverer of the Copper Mine River that it exists in large quantities, while coal, liginte, gold and other metals of great value are known to exist.

The country though not thickly populated by Indians, yet has some very important food animals. Professor Macoun says :—

> The wood buffalo, when I was on the Peace River, in 1875, were confined to the country lying between the Athabasca and Peace Rivers north of latitude fifty-seven minutes, thirty seconds, or chiefly in the Birch Hills. They were also said to be in some abundance on Salt and Hay Rivers running into the Slave River, north of Peace River. The herds thirteen years ago were supposed to number about 1,000 all told. I believe many still exist as the Indians of that region eat fish as they are much easier procured than either buffalo or moose and the country is too difficult for white men.

Hitherto the great Laurentian district, known as the barren grounds, have been supposed to be entirely without economic value but they are known to be the last great preserve for that class of fur bearing animals such as the beaver, otter, fisher and mink which seek their home near rivers and lakes. The barren grounds too are the breeding place of many species of geese and ducks as well as of the chief waders, and hence it is the preserve and summer home of nearly all the game birds that are of value for food or for sport. Owing to its sterile character it will never be invaded by man and settlers to the south may always look forward to their autumn game harvest.

As regards the timbers of the region, black and white spruce of large size are abundant in the valley of the Athabasca and in the forest region for 150 miles north of latitude 54 degrees. The southwestern part of the Peace River District is of the same character. The common aspen is the common tree of the dry ground over the whole forest area but only in the southern sections are they of large size. Enormous Balsam Poplars are found on all the islands and low alluvial points on the Peace, Liard and Mackensie Rivers and extends northwards to latitude 67 degrees which is within the Arctic circle.

Nowhere on the continent of America do the grasses and vetches thrive so well as in the Peace River Valley and scarcely any distinction can be noticebetween the common forest flora of the Peace River region and that around Ottawa and there is nothing in the natural productions of that district to show that its summer temperature is lower than that of Ottawa. There is this distinction however, that the grasses and other herbaceous plants are nearly twice as tall as they are in the East, and it must be remembered also that at Dunvegan on the Peace River all the plants thrive that are grown at Toronto.

The pastoral area includes all the region lying west of the Laurentian district and although part of it is like the swamp land of Manitoba, yet the grass is rich and luxuriant. No part of the 300,000 square miles is unsuited for raising

cattle and horses, and the richness of the grasses and vetches make it an easy matter to deep stock over the winter.

As regards the possibilities for cattle raising as compared with more southern parts of Canada in the same longtitude: I find that cattle raising in the region under consideration means cutting the natural hay for winter use, and as the grasses are of the most nutritious kind the very best of hay can be had at a small cost. All cattle must be wintered however as long as at Ottawa.

I have said before that winter climate has nothing to do with the *growth* of cereals, but it has much to do with the preparation of the soil and fertility of the North-West is largely due to the pulverising power of the frost.

To enable me to give a relative view of the extent of the region in question I find the area of the various provinces in square miles to be as follows: Ontario 220,000; Quebec 139,000; New Brunswick, 27,000; Nova Scotia, 21,000; Prince Edward Island, 2,133; total, 409,133, or about. The extent of that part of the region in question, which is known to possess arable and pastural land, and of this the climate allows 300,000 square miles to be used for the production of the cereals.

The territory of Athabasca contains 150,000 square miles and is wholly within this area, and is three times larger than New Brunswick, Nova Scotia and Prince Edward Island, and some idea of its climate may be gathered from the fact that wheat ripened at Fort Vermilion on Peace River, latitude fifty-three degrees north, on August 6th, 1875.

Fort Chipweyan, latitude 58.54, the same year August 26th. Fort St. John, latitude 56.20, barley nearly ripe August 1st, 1875. Rocky Mountain House, latitude 56.12, new potatoes, July 21st, 1885. Little Red River, latitude 58.30, cucumbers and wheat ripe August 12th, 1875.

And we must keep in view the increased quantity of daylight in these northern regions has upon the growth of plants, for the length of days in northern latitude adds much to the rapidity of growth and prevents frost as the ground does not get cooled down owing to the shortness of the night.

Eighteen hours sunshine is about the average for June and July.

I learn partly from the valuable book of Professor Macoun and partly from the more recent and valuable report of Dr. Dawson, and partly from other sources, that the Mackenzie River is navigable all the way to the sea from Great Slave Lake, a distance of over 1,000 miles. It is a larger river than the Mississippi. It has a large resorvoir in Lake Athabaska. From Lake Athabaska to the mountains, it is comparatively unobstructed. No point of water is lower than six feet on the Athabaska River south 180 miles. It is 90 miles from Athabaska Landing to Edmonton, and a good cart road.

In regard to the general features as far as I know, nearly all east of the Mackenzie River is Laurentian country, and therefore is of no use for cultivation. All on the west side is excellent land, good for growing grain.

As to the general character of Lake Athabaska, it is a very large lake, second only to Lake Superior. It contains innumerable white fish and enormous trout. Trout weighing forty pounds have been taken in Lake Athabaska, and the people of that district live almost altogether on white fish. The three things they live upon may be said to be geese, fish, and carriboo. White fish weigh from four to five pounds. The lake is said to be 250 miles long. The north side of it is high, rocky and barren. The trees are as fine as you will find anywhere. There are trees on the Peace river seven feet in diameter. Black and white spruce grow in abundance and very large.

The grand rapid which is the head of the sixty miles rapids partakes of the character of the Grand Rapids of the Saskatchewan, although somewhat worse, while below that part of the remaining sixteen miles, if cleared of boulders would give navigation, but with a rapid current. The rapids at Fort Smith, however, are very bad, and only a canal or ship railway would overcome them.

I find in travels of overland Arctic voyages of John Richardson, in his valuable work on the northern regions, that on the 19th October, 1837, he found surface soil at Fort Simpson, latitude sixty degrees, eleven feet deep, while at York Factory at the same time of year in 1835,

it was only three feet deep. The natural conclusion is that the Mackenzie river valley has a much higher summer temperature than is found at York Factory.

It is proper to observe in connection with the growing of wheat, and indeed of all the cereals, that it is generally the months of June, July and August which affect their growth, and given suitable soil and temperature not less than sixty degrees of heat, wheat should ripen in one hundred days. The average temperature in England is only about fifty-nine degrees mean heat, while at Fort Simpson in latitude sixty-two, longtitude one hundred and twenty-two the June temperature was 73.40 at 2 p.m. In July 70.61. In August 65.87. The daily sunlight length of these three months would probably be from eighteen to twenty hours. At Fort Yukon, latitude sixty-six degrees, longitude 147 degrees, slightly within the Arctic circle the average mean temperature at two o'clock was sixty-two degrees in June. In July 74.84. In August 70.99. At Fort Franklin latitude 65, longtitude 123, strawberries were ripe near Great Bear Lake about the 20th July. At Fort Norman latitude 65, barley, oats and potatoes come to maturity.

The limit of trees on the barren grounds is lower on the eastern side than on the western side by only seven degrees, being between 61 and 60 in the vicinity of Hudson Bay and extending beyond the Arctic circle, latitude 67 in the valley of the Mackenzie.

The fish called *Inconnu samon McKenziei*, is really the Great Slave Lake trout, and which grows to an enormous size, even caught from 30 to 40 pounds weight.

From various sources I learn that three steamers could navigate the whole of these inland waters.

One on the Lower Athabasca, Lake Athabasca and Peace Rivers up to the falls, and Slave River to the Rapids.

Another on the Peace River for 500 miles or nearly to the mountains.

And another for the lower part of Slave River, Great Slave Lake, and the whole of Mackenzie River.

These three steamers would navigate 2500 miles of inland waters with only two breaks, one on the Peace River of less than three (3) miles the other on Slave River of about thirteen (13) miles. Both portages would be over almost level rocky ground.

From Edmonton to Athabasca Landing on the Athabasca there is a good wagon road, distance 90 miles.

From this point the Hudson Bay Company take their heavy boats to the head of Little Slave Lake, and down the Athabasca to Athabasca Lake.

From the forks of the Clearwater and Athabasca Rivers to Lake Athabasca, a distance of 180 miles is navigable for steamers, as the water in no place at its lowest stage is less than six feet in depth.

Then, going northward, the distances of navigable waters and broken navigation from the first point where this route strikes the Athabasca to the Polar Sea is as follows :—

Cart road from Edmonton to Athabasca Landing 90 miles.

Athabasca Landing to the forks of the Clearwater, about 200 miles.

From the Clearwater to the Lake, 180 miles.

From Lake Athabasca to the sea is 1300 miles only thirteen miles of which, on Slave River, may be called obstructed navigation.

As regards the lacustrine area of the district, owing to the want of surveys, very little is know regarding the area of the lakes but we know that the Laurentian region on the east is filled with lakes and ponds and we can predicate that at least one-fifth of the Laurentian region is water.

While endeavoring to elicit information from my hon. friend, the Senator from the North-West, from the works of Professor Macoun, Dr. Dawson, Sir John Richardson, Sir Alexander McKenzie, Sir John Franklin, Captain Beck, and the records left by minor voyageurs and leaders of expeditions through this great northern region, I have been struck, as I have no doubt hon. gentlemen will be struck with the vastness of the river and lake system of this northern country, and from the evidence I have been able to obtain, in many respects the Mackenzie River is to the North American continent what the Amazon is to the South, the largest of all the water courses which drain

the continent. In early days of travel in winter from the frontier settlements of the northern Mississippi to Fort Garry, I have paused to look at the spring which was the most northern source of the Mississippi river, and standing upon that spot in northern Minnesota, I was about 1,300 miles from its outlet in the Gulf of Mexico. It has been my curious fortune also in 1870 to cross on snow-shoes the frozen surface of some of the smaller streams west of Lake Superior, which found their way through the St. Lawrence to the Atlantic coast. I was then about 1,200 hundred miles from the sea, and about 1,200 miles from the sea northward.

About 100 miles directly north of Rogers Pass, the Rocky mountains then trending north reach apparently the highest point upon the range. The mountains, Brown and Hooker, there rearing their crests to the height of 15,000 feet. It is the glaciers of these giant mountains of the chain which form the sources of four mighty rivers, the two upon the west being the Columbia and the Fraser, and the glaciers of the eastern side move down to form the sources of the Athabaska river to the east and northeast and the great Saskatchewan flowing east and southeast. Standing upon this spot the adventurous traveller is about 800 miles from the outlet of one of these rivers, (the Saskatchewan) in Lake Winnipeg, and he is distant from the Polar Sea at the outlet of the Mackenzie following the curves that these rivers nearly two thousand miles. I have said that the Mackenzie has its most southern sources between these mighty mountains of the Rocky chain, and from near this point the river is called the Athabaska, which is part of the Mackenzie River just as the St. Clair and the Detroit Rivers are parts of the St. Lawrence. This river flows down in a north-east direction, till it flows into the lake bearing its name; from thence to the Great Slave Lake the Mackenzie River is called the Great Slave River, being part of the Mackenzie just as the Niagara is part of our own St. Lawrence. The Great Slave Lake is the largest of lake of this immense lucustrian district. Its waters, added to by the immense drainage of this great inland sea, unite to form the Mackenzie River proper, which sweeps in magnificent curves a distance of 1400 miles of deep water navigation, to empty itself through a mouth six or seven miles wide into the Polar Sea. Macoun's description of this mighty river is graphic. He says of it on page thirty-one of his interesting and valuable work:

The Mackenzie River drains an immense area, both east and west of the Rocky Mountains, and pours a mighty flood into the Arctic Sea. Its great southwestern branch —the Peace River—takes its rise on the west side of the mountains, and flows northwesterly along their western base to lat. 56°, where it receives the Finlay Branch, which drains a large area in the northeast of British Columbia. The united stream now turns east and, after a course of nearly seventy miles, emerges from the Rocky Mountains. It flows through the plateau east of the range, in a channel 1,000 feet below its level. Turning more to the north, it sweeps in majestic curves through a rich and fertile plain, which constantly diminishes in altitude as the river gets to the north and northeast. For 770 miles it flows through a most lovely and fertile region, receiving in its course many rivers, the most notable of which are the Smoky and Pine, which drain the district of country lying between the Peace and Athabasca. When the river leaves the mountains, its channel is under 500 yards in width, but before it enters Slave River, twenty-five miles north of Lake Athabasca, it is over 1,000 yards wide. A branch stream, named the "Quatre Fourches" River connects it with Lake Athabasca, and by this stream, in early summer, there is a steady flow of water into the lake, but in autumn this is changed, and the waters of the lake flow into the river. The author found this to be the case in August, 1875, when there was a strong current flowing from lake to river.

Lake Athabasca is about 250 miles long, by some twenty-five in breadth, and receives the drainage of a very extensive region, which is almost wholly covered with forest. The Athabasca River, which enters the western end of the lake, takes its rise in the Rocky Mountains, close to the sources of the Columbia, and flows in a general northeast course, till it enters the lake. In its course, it receives the Macleod, Pembina, and Lac la Biche Rivers from the south, while on the north it receives Little Slave River, which, after a course of fifty miles from Little Slave Lake, empties into a little north of lat. 55°. Little Slave Lake is an extensive sheet of water lying nearly east and west, about seventy-five miles in length and five in average breadth. In lat. 57°, the Athabasca receives the Clearwater—a fine

stream of pure water which comes from the elevated country east of Portage la Loche.

Lake Athabasca discharges its accumulated waters by Slave River which, twenty-five miles below, receives the Peace, and both, under the former name, discharge into the still larger basin of Great Slave Lake. At the efflux of this lake, the real Mackenzie commences. At Fort Simpson, in lat. 61° 50' north, it receives the Laird from the west, some of the branches of which have their rise close to the sources of the Finlay, far west of the Rocky Mountains. It is on the upper waters of the Liard, that the rich gold fields of northern British Columbia are located, where hundreds of miners are engaged every summer. After receiving the Liard, the mighty flood, increased in volume and power, flows on, without break or obstruction to the Arctic Sea.

I desire to close my remarks by saying that this region of country, more particularly that which lies directly south of it, has formed the subject of investigation by select committeess of the Imperial and Dominion Houses of Commons during the last thirty years, for it will be seen from the Journals of the British Houses of Commons, that two committees were ordered, one of which sat during the winter session of 1857, and the other during the summer session of that year. They consisted of nineteen members, and comprised such well-known names as those of Lord Stanley, J. Packin, Lord John Russell, Mr. Gladstone, Vicount Sandon, Mr. Roebuck, Mr. Labouchere, and Mr. Edward Ellis. This committee held a number of sittings and examined a number of witnesses. Two draft reports, widely divergent in character, were submitted to the committee by Mr. Labouchere and Mr. Christie, and the discussion upon these becoming acrimonious Mr. Gladstone proposed ten resolutions, two or three of which I shall read. First, "that the country capable of colonization should be withdrawn from the jurisdiction of the Hudson's Bay Company." Fourth, "that such jurisdiction should henceforth rest upon the basis of statute. Seventh, "with reference to Her Majesty's Government to consider how the land capable of colonization and attached accordingly from the jurisdiction of the Company, should be settled and governed under free institutions." The defeat of these resolutions, simply by the casting vote of the chairman, Mr. Edward Ellis, closed the controversy and the country till 1870. That date brings me to a now historic committee of this House, the result of which has been of the greatest possible benefit to at least the southern portion of the region in question. Many of these hon. gentlemen, composing that committee, are still members of this House, and I trust it may not be inopportune in me to read the finding of that committee, which is as follows:

The Select Committee appointed on the subject of Rupert's Land, Red River, and the North-West Territory, having considered the matters to them referred, agree to the following report:—

The presence at Ottawa, during the existing session of Parliament of a number of persons recently from Red River, all more or less personally familiar with the North-West Territory, and its resources, having suggested the idea, that it would afford a favorable opportunity for obtaining reliable information on the subjects set forth in the foregoing resolution, the Select Committee appointed for that purpose have had before them a number of witnesses and have collected much valuable information, which will be found appended to this report.

2nd. The vast extent of country capable of cultivation, the favorable accounts uniformly given of its agricultural qualities, and the salubrity of the climate, leave no room for doubt on the minds of the committee that the region, north of the United States boundary, west of the watershed of Lake Superior, and extending north of the northern banks of the Saskatchewan River, is a good wheat and vegetable producing territory.

3rd. The principal drawbacks would seem to be distance from navigation and railway communication, absence of markets for agricultural products, occasional visits from grasshoppers, and the cold of winter. But the testimony of all the witnesses examined upon this latter point tends to establish the fact, that although the thermometer indicates a much lower degree of temperature at Red River, in winter months, than in Ontario, yet the cold in its effects upon individuals, produces scarcely, if at all, more inconveniences in the former than in the latter country.

The committee are satisfied that if measures are taken at an early date to afford facilities for access through British territory to the Red River, it will be found to be not only a very desirable home for immigrants, but will materially enhance the prosperity and promote the best interests of this Dominion.

The House will at once perceive that

the hon. gentlemen who composed that committee, with a prescience that did them credit, committed themselves to opinions, my high estimate of which I have already in the past alluded to in this House, for they were the means of inducing that class of emigration to go to these regions, who possibly could not be so induced by any opinion short of such high authority. It must be a source of great satisfaction to members of that committee, who are still of this House, to learn how amply their predictions have been fulfilled, that in the country of which they spoke the greatest average crop of all cereals that ever was grown on this continent was produced in Manitoba last year; and if in the lesser lights which obtained in that day, in a spirit of honesty to the intending emigrant pointed out the severity of the climate and the consequent deep freezing of the soil as possible enemies to the growing of crops, they must be still more gratified to find their fears dispelled by the fact, which is now well know, that the severity of winter and the deep penetration of the frost caused Manitoba in a year of almost universal drouth to produce the enormous quantity of wheat which it did. And I think that the same causes will always operate as the friend rather than the foe of the farmer.

I am proud and pleased to say that in its darkest days I have never lost faith in the home of my adoption. I have always believed it to possess that capacity for cereal production; that possibility of metals and timber, which are of the greatest use to northern men. In the very region we are discussing, if you extend it farther south you have iron in any quantity, copper in any quantity, sulphur in large quantities, asphaltum, petroleum, lime and sandstone, marble, clays, gypsum, salt, all in fact of the mineral products which are necessary to man. In it can be grown every article of human food and clothing with the sole exception of cotton, and in its place we have that abundant yield of flax, and the immense ranges of country fit for sheep, that we shall never want for articles of clothing and protection from the cold. Were the nation to the south of our borders blotted out of existence to-day, we have those resources in ourselves which would build up a great people in British North America. I am glad to say that the number of those who would attach our country to the destinies of the United States, would only number about a dozen between the head of Lake Superior and the Rocky Mountains. To these doubting ones I would commend the opinion (as I know no better closing to this speech), of a great American statesman, the Hon. Mr. Seward, as regards the future destiny of Canadians upon this continent. In 1886 I think it was, Mr. Seward, then Secretary of State for the United States, made the following eloquent and candid allusion to Canada:

"Hitherto, in common with most of my countrymen" he said "I have thought Canada would be a strip lying north of the United States easily detachable from the parent state, but incapable of sustaining itself, will therefore ultimately, nay right soon, be taken by the federal union without materially changing or affecting its own condition or development. I have dropped this opinion as a national conceit. I see in in British North America, stretching as it does across the continent from the shores of Labrador and Newfoundland to the Pacific, and occupying a considerable belt of the temperate zone traversed equally with the United States by the lakes, and enjoying the magnificent shores of the St. Lawrence with its thousands of islands in the river and gulf, a region grand enough for the seat of an empire; in its wheat fields of the west, the broad ranges at the north; its inexhaustible timber lands, the most extensive now remaining on the globe; its invaluable fisheries, and its undeveloped mineral wealth, I I find its inhabitants vigorous, hardy, enesgetic, perfected by the climate of the region and British constitutional liberty. I find them jealous of the United States and of Great Britain as they ought to be. Therefore, when I look at their extent and their resources I know that they can neither be conquered by the former nor forever held by the latter. They would be independent, as they are already self-maintaining, they would be a Russia to the United States, which to them will be a France to England."

HON. MR. GIRARD—I rise with much pleasure to endorse the remarks which have fallen from my hon. friend and colleague from Winnipeg. The

subject which is brought to our notice is certainly one that deserves the most serious consideration of this House. It is another proof that we do not yet know the importance of our North-West country; and now when the eyes of the world are directed to that portion of the Dominion, it seems to me that neither money nor time should be spared in publishing to the world the wealth and importance of that vast territory. It is time we should, by all means in our power, define the exact position in which we stand. During the past session my hon. colleague called the attention of the Senate to the question of the food products of the North-West. A committee was appointed to investigate the subject, and a report was made by that committee which has been distributed not only throughout the Dominion but in the United States and other countries. It was understood that that investigation was to be taken merely as a commencement and that it should be resumed by the committee at another time. I would submit to the House that this is a good time to continue that investigation. I know that expense will have to be incurred, but if I am well informed evidence can be procured here in Ottawa from gentlemen who are now present in the city and who can give valuable information respecting that vast country and will be quite ready to offer their services for little or nothing. Under the circumstances, it seems to me there should be no opposition to such a committee. No doubt some expense will be incurred, but I respectfully ask if, since the organization of our North-West, the Dominion has not taken a new stand before the world? We have certainly doubled in importance, greatness and wealth. I know there are differences of opinion on this point, but I am convinced that since we have been united to the Dominion, Canada has advanced rapidly in the estimation of the world. I will take the liberty of reading to you an extract from the report of the Committee of last session on the Food Products of the North-West, from which you will see that I am quite correct in saying that what we ask now is only a continuation of what was begun last year. At the end of our report, you will find the following:—

"Although your Committee have refered chiefly to the Districts of Assiniboia, Alberta and Southern Saskatchewan, it must be remembered that in the region beyond these districts, Canada possesses the last remaining fur preserve of the world, all the furs of commerce being there found, and it yields three quarters of those solid in the great marts of London and Leipsic, which have an average annual value of several millions of dollars. Its vast mineral wealth is nearly unknown, or where known has not been developed. It produces in large quantities a substitute for, if not indeed, a kind of tea, so excellent in quality that only the prejudiced in favor of the Asiatic produce has prevented its introduction into English and continental use. It has extensive districts in which valuable kinds of wool and goat skins may be produced, and where some of the more valuable fur-bearing animals may be domesticated, protected, and increased, while its immense forests have scarcely been taken cognizance of at all in estimating its future wealth."

This Report is before the House. I think it received the unanimous assent of the House when it was presented for adoption. I know that the hon. gentleman who has just spoken has made a special study of the vast country to which this motion refers, and, notwithstanding the condition of his health, has done a great deal to bring the North-West before the public and promote the development of its resources. I shall be prepared to acquiesce in any action that may be taken by the House, whether it be the formation of a Committee or the adoption of any other means for ascertaining the capabilities of the vast and comparatively unknown section of the country watered by the Mackenzie River. It appears, from the information which has been furnished so far, that it is good for agriculture, rich in minerals, produces valuable animals, and is well fitted for settlement. Recently it has been spoken of as a suitable country for a penal colony. I do not know whether that will be carried out. I do not think the policy is one which will be popular. I suppose a penal colony will be a necessity so long as we have criminals, and it would be better to send them to that country than to foreign lands. Eventually, under proper supervision, many of them might become good and useful citizens. We

are all alike interested in ascertaining the resources of our North West, and so much interest has been shown of late in hat part of the Dominion that I have no doubt the House will take steps to carry out the object which my hon. friend and colleague has in view.

HON. MR. TURNER—After the very able and interesting speech of the hon. member from Winnipeg I do not think I am called upon to urge upon the House the desirability and necessity of appointing another committee. I think the House has already fully made up its mind on that subject. I would only urge one point in reference to the matter: that is the necessity of taking prompt action. Last session, on account of the great distance of that country from the capital, it was found to be impossible to get information in time. I took, myself, a great deal of interest in the investigation and urged upon the hon. member from Winnipeg to send for some of the witnesses, and I am exceedingly glad that he did so. The report as it stands now is wholly incomplete; further information is necessary. I hope, in fact I know, that the House will grant the Committee.

If I may be permitted, I should like to have read the following interesting communications sent to me for transmission to the Food Products Committee of last year, but received too late for that purpose. I desire them read, as the first of them especially has a very important bearing on the subject under discussion. The following information was sent to me by Frank Olliver, Esq., of Edmonton, editor of the Edmonton *Bulletin*:

The following information has chiefly been acquired from Murdock McLeod of Edmonton, who spent the years '62, '63 and part of '64 in the Hudson Bay Company service at Fort Anderson, since abandoned, east of the Mackenzie and about eighty miles up the Anderson River from the Arctic Coast. In the summer of '63 he accompanied an expedition undertaken on behalf of the Smithsonian Institute, along the Arctic Coast from the mouth of the Mackenzie to that Coppermine River. In '65 he was at Fort Laird.

The musk ox is the chief inhabitant of the barren grounds which occupy the immense triangle north-east-ward of the Mackenzie basin to the shores of Hudson Bay and the Arctic Ocean. The animal is very similar to the buffalo in age and shape, but fur is finer and longer, almost dragging the ground; the horns are of somewhat different shape, and the boss or hump over the shoulder is nearly two feet high, and the flesh has a disagreeable musky flavor, especially from December to February. The Indians do not kill them for food unless there is no deer. A bull which Mr. McLeod helped to kill weighed 1400 pounds dressed, and the robe measured 15 feet from nose to rump. They are found generally in bands of ten to forty. In summer they range on the barren grounds and in winter come into the northern edge of the woods. They live on the moss which covers the barren grounds and are able to root it from under three feet of snow. Some winters they are scarcer than others, but why is not explained. Whether they have merely changed their wintering place or have really lessened in numbers. The barren grounds on which they roam are vast hillocky plains of clayey soil, honeycombed on the surface in a remarkable, manner and overgrown by an Arctic moss of a creeping variety. They are no shrubs, willows, grass or other vegetable growth, except the moss, which furnishes the food of both the musk-ox and the jumping deer. The jumping deer, sometimes erroneously called the reindeer, are the principal food on the Indians and Esquimaux who inhabit the outskirts of the barren grounds. They are a small deer, of a dim color with branching horns, a large one would dress perhaps 100 pounds. They are found in herds of thousands and range in the barren grounds in the summer seeking the edge of the forest in the winter. They are killed chiefly while crossing streams or the narrows of lakes in their migrations by men in canoes armed with spears. They are not found very far south of the northern limit of the forest. Some seasons they are scarce, as well as the musk-ox, but why is not known.

The moose, too well known to need description, is found all over the forest region to the edge of but not going into the barren grounds. They are most plentiful in the hard region west of the Mackenzie. They go in small herds of six or a dozen and weigh from 600 to 1,000 pounds of dressed meat.

The elk, also well known, ranges in the same country as the moose, but not quite so far north or east. The hard region is probably the northern limit of the elk country, and they are chiefly found near the Mountains.

The wood buffalo exist in small numbers in the open country between the Lower Peace and Great Slave Lake rivers extending westward from Great Slave River about Salt River, in latitude 60, and also between the Peace and the Athabasca. They are larger than the prairie buffalo and the fur is darker; but practically they are the same animal. The herds are doubtless small, and

it is probable that the Indians do not carry on an indiscriminate slaughter against them but some buffalo meat is brought in every winter to the Hudson Bay ports, nearest the buffalo ranges. Mr. McLeod says that in the winter of 1865 he helped to kill a large buffalo bull on the Nahanni Mountains west of Fort McLeod, but it seemed that he must have wandered from some other part of the country or the Indians of that locality did not know what it was and were afraid of him. He was killed in February and was in splendid condition.

Bears, black, brown and grizzley are found as far north as the woods extend, but are not numerous along the Rocky Mountains, in the Peace and Liard River regions where they constitute an important item of the Indians' food supply, especially in Peace River. This is proof of the abundance of berries there.

The Beaver is also found all over the wooded country, but is not plentiful in the very far north: and on north-east near the barren grounds, it is also important as an article of food.

The rabbit is, of course, found all over the wooded country, and is subject to phenomenal increase and to phenomenal scarcity. Year after year they increase until the country is fairly overrun with them. The Indians can live well enough in rich years, for even blind men can kill enough for themselves. The lynx which lives on the rabbits and which the Indian eat, as well as all the meat-eating fur-bearing animals, increase greatly during rabbit years. Therefore when rabbits are numerous the Indians have the winter in comparative abundance. Then the rabbits decrease unaccountably, more rapidly than they increase. One great supply of winter food is cut off from the Indians themselves and from the fur-bearing animals as well, which soon become scarce, either through migration or death, consequently when rabbits are scarce times are doubly hard with the Indians. Sometimes our abundance of deer makes up for a scarcity of rabbits, but occasionally both deer and rabbits are scarce; then the Indians starve.

Water-fowl are plentiful beyond conception in the Northern lakes of the Mackenzie Lakes and on the Arctic coast in the summer season, and furnish abundance of food to the Indians while they remain.

Fish abound in all the lakes of running water, and the fisheries of Lake Athabasca, Lake Slave and Great Bear Lake are at least as valuable as those of the St. Lawrence chain, while thousands of smaller lakes especially east of the Mackenzie are stocked with fish as well. The available fish supply alone is more than sufficient to supply ten times the present population of the Mackenzie region.

The following letter was received by me from Mr. Donald Ross, to be forwarded to the Chairman of last year's Food Committee:

1st. I have travelled over most of the northern part of British Columbia to the head waters of Peace River, and through the Rocky Mountains on that river to its junction with Smoky River by way of Lesser Slave Lake and Old Fort Assinaboine to Edmonton, and down the Saskatchewan River to Lake Winnipeg. I have been a resident of Edmonton for over fifteen years and am partially familiar with nearly the whole North-West.

Birds.—Mr. Moberly's list with the addition of pigeons which are sometimes caught with nets in this vicinity, and further east by the score. Blackbirds are also very thick at certain times.

Fish.—In addition to Mr. Moberly's list there is the chub in Peace River and its tributaries and in the British Columbia streams.

The unknown fish a kind of chub in the lakes and streams around Fraser Lake, British Columbia, these fish are full of bones and have their ribs just underneath the skin, very tenacious of life as they will jump out of the hot pan after having been dressed and their head cut off.

Ling or loche, a species of cat-fish, very voracious, all rivers and lakes in British Columbia and North-West, more especially the Mackenzie river where it forms quite an item in the food supply of that district.

The arctic or blue trout—This is a very nice shaped fish with no resemblance to a trout: will average a little overa pound in weight. A mouth like a whitefish, and will not take bait,—in rivers and streams flowing into the Artic.

Animals.—Mr. Moberly's list with these comments and additions: The wood buffalo, exists in the localities named; about 1870 one was killed as far west on Peace river as Fort Dunvegan. They are quite different from the Prairie buffalo, being nearly double the size, as they will dress fully seven hundred pounds. Their fur is longer and finer than the common buffalo and more resembles that of the musk-ox. They subsist on moss and brouse.

Both the large and small reindeer are found in the east of the Rocky Mountains in this latitude, the large size dressing three hundred pounds and over; and the small size about one hundred and twenty pounds.

Rabbits are very numerous at times in the North-West, but they periodically die out from a disease of the throat. I may say that the prairie chicken dies off similarly in periods of about seven years.

Lynx.—This is a very agreeably flavored flesh, resembling a chicken in texture and flavor.

Porcupine.—Rocky Mountains and vicinity; also in the woody parts of Alberta. Flesh superior to beaver.

Badger.—All over the North-West prairies.

PLANTS.—Lambs-quarter is found in all cultivated plots through this part of the North-West. It has a flavor nearly equal to spinach.

Wild Parsnip.—The young root of this plant is very good eating; the old roots are poisoned; the seed stalk, when young, resembles celery in flavor.

Birch.—The sap of this tree is used further north by the natives to make syrup of.

White-fish is by much odds the best fish with which to stock and restock the smaller lakes of this part. Trout, pike and pickerel require other fish to feed upon, but will exist much better in streams than in lakes.

I have the honor to be
Yours obedient servant
(Sgd) DONALD ROSS.

The Hon. John Schultz,
Chairman of the Commitee
on the Natural Food Products of the
North-West, Ottawa.

HON. MR. SANFORD — I am thoroughly in sympathy with the motion introduced by the hon. Senator of Winnipeg. We cannot act too promptly in satisfying ourselves of the value of the great estate we possess in that north land. Less than thirty years ago our knowledge of Manitoba and the Great North-West was quite as limited as it was unreliable. The school books of our school days taught us to believe it a land of almost eternal ice and snow.

With a more intimate knowledge of the country, hon. gentlemen, we are astonished at the marvellous productiveness of its soil, and the wheat-growing centres of the world tremble for their supremacy. We find the best grade stock imported from other countries improve so rapidly that the three-year-old is twenty per cent. larger and heavier than her mother. The climate so health-giving that the records of the Mounted Police show an increase in the chest-measure of the men of the Force of from one to two inches within two years of enlistment. And with this correct knowledge of the country and its capabilities the tide of emigration is turning with a rapidity that is most encouraging. But a few years ago I accompanied an honorable member of this body to the North-West, a journey occupying in those days more than a month. From Fort Abercrombie in Dakota to the boundary, a distance of two hundred miles, without a vestige of civilization; Winnipeg or Fort Garry, a half-breed village with a few scattered Scotch and half-breed homes beyond, the last being some miles this side of what is now Portage la Prairie. This included the larger part of the population of Manitoba. To-day we find the two hundred miles a vast wheat field; Winnipeg a city with public and private buildings, in size and architectural beauty comparing favorably with the best in our eastern cities, and the scattered homesteads have multiplied in thousands, the husbandman being rewarded with fourteen million bushels of wheat, besides other grains, as the result of last year's toil.

I ask hon. gentlemen, in view of the marvellous strides settlement is making in that North-West, the land that is yet to become the central power of our Dominion, is it well to lose valuable time in ascertaining the true character and richness of that more distant section which will doubtless become an important factor in our country's greatness.

Four years since I was among the foot hills of the mountains, the then terminus of the railway. Behind me, towering in their majesty, were the Rockies, and I thought of the vast treasures embodied in her rocky fastnesses, which the hand of human enterprise and energy would one day bring to light: of those vast forests on her western slopes, enough to supply the markets of the world: of the teaming fisheries beyond with food supply for a continent: and then again my eye rested upon the varied panorama of hill and vale and distant plain spread at my feet. Far as the eye could reach there was no sign of human habitation and no sound of human activity broke the stillness, but as thought took in the possibilities of the future I stood listeding like one who

"Hears from afar the muffled tread
"Of millions yet to be,
"The first low dash of waves where yet,
"Shall roll the human sea"

In fancy's ear I heard the lowing of cattle from the hill-sides, the hum of busy industry from a thousand towns and villages, the merry shout of children returning from school. Everywhere quiet homesteads dotted the plain and nestled among the hills, smoke of factories rose thick on the air, a thousand village spires

glittered in the rays of the setting sun, while golden fields of ripening grain filled the interspace and waved in the passing breeze.

There may possibly be no realization of this dream in our day, hon. gentlemen, but those who have watched closely the tread of advancing civilization in the North-West will unite with me in the belief that there are now living those who will see its realization. Hence the greater necessity of learning at an early day more definitely the resources of this vast territory lying beyond the Saskatchewan.

We have the splendid harbors, rich fisheries and mineral wealth of Nova Scotia; the fertile acres of Prince Edward; the pine forests of New Brunswick; the commerce of Quebec; the agricultural wealth and growing manufactures of Ontario; and with the development of this vast country, capable of sustaining its millions of happy people, we may justly take our place among the nations of the globe.

Hon. gentlemen, I have much pleasure in supporting the motion introduced by the hon. member of Winnipeg, and trust this honorable body will appoint a committee of enquiry.

Hon. Mr. ALEXANDER—This is one of those questions, which this Chamber is peculiarly qualified to discuss in all its important bearings and in its relation to the future of this Dominion. The hon. gentleman from Winnipeg, Senator Schultz, from his long residence in our North West—and his great powers of observation is well qualified to give us a clear conception of all the possibilities and probabilities of that great territory north of the Saskatchewan extending along the Peace River. There can be no doubt as to the magnificence of the heritage which we there possess, of the great fertility of the soil, of the beautiful banks of its rivers, a country producing the moose and the cariboo in great abundance, as also an abundance of other game, with the rivers teeming with fish, and as the learned Senator has shown with great mineral resources. I have not for a moment a doubt that before the expiration of one century, even that northern region will be thickly peopled, just as we find in the same latitude in Europe masses of the population prospering in such northern latitudes. But while we acknowledge the great value of its resources, all the fertility of its soil, the capability of its eventually sustaining a contented and prosperous population, we cannot but feel that the drawback at this moment is its distance from the markets of the world, and we can scarcely hope that railways will be extended to the Peace River, until the fertile districts along the Canadian Pacific Railway from Qu'Appelle to the Rocky Mountains have been well filled up. But I am free to confess that the magnificence of such a territory as described by the learned Senator from Winnipeg calls forth from us feelings of national pride and ambition, to go on extending our population until we see many millions in our North West Territories. While holding such opinions I feel it incumbent upon me at this moment to say on the floor of Parliament that I am not quite clear, that the Dominion Parliament took a sound statesmanlike view in pushing through with such rapidity the Canadian Pacific Railway to the Pacific shore. It appeared to be the united wish of our people that this should be done. The electors at the polls have unmistakably endorsed Sir John Macdonald's policy in finishing this great national work. It is proper that I should observe upon this occasion, that the Canadian Pacific Railway Syndicate composed of Sir George Stephen, Sir Donald Smith, Mr. Van Horne and Mr. W. C. Angus have done what they undertook to do in a manner most satisfactory to the country. The completion of that road as a first-class railway in our northern latitude in so expeditious a manner, has called forth the admiration of the whole world. It has even surprised the leading railway men of the great railway centres of the United States. They appear to have overcome every engineering difficulty. They have crossed the Laurentian precipices of the Rocky Mountains with an ingenuity which is marvellous. As an extensive reader of the London *Times* and the leading press on this continent, I very much fear that, from the meagre immigration which has gone in into our

North-West and from the disappointment which has generally been felt in regard to the increase of population in our North-West, I cannot but express the doubt whether they will be able to to continue to run that great national work even with all the bonds and stock they have issued, without coming to the Parliament of the Dominion for further aid, and if after doing their best to secure passenger and freight traffic from our own territory and from the trans-Pacific shores, they are unable to make the ends of the year meet, it must devolve upon the Dominion Parliament to act in a just and generous spirit, and give them whatever aid they require, even if it should amount to ten millions more. If we should refuse to do so, they would probably throw upon the Dominion the future working of the road, and that would cost the country more than that amount annually. Such has been our experience of the Intercolonial Railway since it was completed, for the capital amount of twenty-two and a half million dollars. The most practical merchants and farmers of Ontario have unbounded faith in the future of the North-West and British Columbia and if they have they must be prepared to sustain this rational public work in a manner creditable to the country. I am sure the leader of the House the Hon. Mr. Abbott, will most cheerfully grant to the Senator from Winnipeg, the committee asked for, and the information which that committee, under Senator Schultz, will furnish to the press, will have the best possible effect in drawing immigration more and more to our shores.

Hon. Mr. HOWLAN—I think the House is very much indebted to the hon. member from Winnipeg for the information he has furnished, especially when we take into consideration the state of his health. I am glad to see that he is regaining his strength and that he is able to bestow such care, diligence and attention to the important subject which he has brought before us. It is not long since we were in almost total ignorance of the North-West. I have often thought, when I have read reports relating to that country, which have been placed on the table of the Senate from time to time, that there was one man at least who had not received sufficient commendation for the labor he had expended in the opening up of that country—I refer to Mr. Sanford Fleming. When he undertook that work, all the plans and maps of that country, that were then accessible, were marked "unsuitable for the residence of white men." He had also to contend with the fault finding that arose from the policy he had pursued in the construction of the Intercolonial Railway. He had the wisdom and foresight to demand that the bridges of that great highway should be constructed of iron, and events have justified the course he pursued. At that time some of the leading railway men, Mr. Brydges and others, believed that wooden bridges were better suited for our climate than structures of iron. Then there was the report of Capt. Palisser to the effect that the result of his explorations and the experience of others was that it was impossible to build a line of railway across this continent. I do not agree with the remarks which have been made here to night in condemnation of the rapid construction of the Canadian Pacific Railway. Nothing has done more to bring Canada and its vast resources prominently before the world than the extraordinary rapidity with which our great transcontinental highway has been constructed. Everywhere Canada is better known by this great undertaking than by any single act of the Government since Confederation. If they had built the road slowly, and by piecemeal, as some hon. gentlemen think they should have done, I do not think the Dominion would have occupied such a creditable position in the eyes of the world as she does to-day. It has always seemed to me that it was a wise decree of Providence that 250,000,000 acres of land should be reserved on this continent to receive the poor and down trodden of older civilizations. It is impossible to conceive the influence which this vast reserve of territory has had, and will continue to have for centuries, upon the destinies of other lands, as it was impossible to forsee the influence which the steamship would have upon the population of Europe in conveying the products

of this continent to the crowded cities and manufacturing districts of the old world. But in view of all that has taken place in the development of this continent, one should not be surprised at anything. It is but recently that we heard in this House, when the Canadian Pacific Railway resolutions were under discussion, the statement made that it was impossible for the Government to grapple with this gigantic undertaking and bring it to a successful issue. We were also told that it was impossible that this railway could pay running expenses. Reports were placed on our desks showing that other trans-continental lines had failed to earn enough to pay expenses, and we were warned that even if the Canadian Pacific Railway could be built, it would not earn enough to purchase grease for the wheels. It is a matter for congratulation that in so short a period after the opening of the road we should be told by representatives from the North-West that the crop of cereals this year in Manitoba is 25 millions of bushels, and that the resources of the railway are taxed to move the vast yield of grain. It is wonderful that such a result should be attained in so short a period, and if so much has been done within a decade, what may we not expect from that great country 25 years hence. There were many public men who honestly believed that it was impossible for Canada, with its small population and limited resources, to build the Canadian Pacific Railway. I remember distinctly stating in this House that we had no option, that the country was pledged to furnish railway communication with British Columbia, and this Chamber, being the guardian of provincial rights, and more especially of the rights of the smaller provinces, felt that the pledge must be carried out. The Government grappled with the project in an honest and energetic way with the splendid results which have been attained. There was at the time great difficulty with regard to the proper course to pursue, but the one adopted has conferred upon Canada inestimable benefit and also raised our credit in the markets of the world. It is impossible to deny that Canada stands well financially abroad. It has been regarded as something marvellous that a population of five millions should grapple successfully with such a gigantic project. We have lived through it, and it is a source of gratifying to every true Canadian, and especially to those who have aided in carrying out the undertaking, to feel that we were not mistaken as to the capacity of the Dominion to sustain such a burden. I hope that my hon. friend from Winnipeg will get his committee and obtain further information as to this great country in the North-West. We want to show the people of the old world that, as compared with the United States, we have a vast field for settlement. Comparatively speaking, the United States has no public lands to offer to immigrants. They have all been taken up by railway companies and land companies, and there is no country in the world, not even Australia or New Zealand, than can offer such inducements to the settler as Canada. I am glad also to know, from the hon. Senator from Winnipeg with regard to the school lands, that so large a percentage of lands in the North-West is reserved for the promotion of education. It must be a gratification to those who believe that a community to be successful must possess churches and schools, that so large a reserve of the public lands of the North-West has been set aside for the education of the population which must ere long find a home in that vast country.

HON. MR. O'DONOHOE—It is not my intention to discuss the object of my hon. friend's resolution, but it is worth considering whether a Committee of this kind is the very best means of acquiring the information he seeks. Last year I had the pleasure of attending a meeting of the Committee, of which he was Chairman, appointed to gather information as to the resources of the North West. He found it very difficult and I have no doubt it must have been very expensive to bring witnesses from the North West. The subject is one that is full of interest. None better deserves the attention of Parliament, and whatever the expenditure may be I have no doubt that it will be wise to incur it in order to obtain accurate information as

to the resources of the great North-West. When, a short time ago, it was thought desirable to obtain information on the subject of Chinese immigration a commission was sent to British Columbia for the purpose. They went to the places where evidence could be most easily obtained. I would suggest that a similar course should be pursued in obtaining information as to the resources of the Mackenzie river country. Either this House or both houses should consider the matter of sufficient importance to appoint a suitable commission, of which I would suggest that the hon. member from Winnipeg should be a member, if his physical strength is equal to the task, to collect the necessary information. I have noticed that from the very outset he has devoted himself with zeal, energy and great ability to the work of directing attention to the rescources of the North-West Territories. It is not, therefore, to oppose his motion that I rise, but simply to throw out a suggestion that there is a better way of attaining the object he seeks than the one which he proposes to adopt. It would be much better to send a commission to the North West than to bring witnesses from that distant country down to the seat of Government. As to the magnitude of the subject and of the country, and as to the fond dream of my hon. friend from Hamilton (Mr. Sanford), I am at present not prepared to say anything. There is a vast difference between his dream and the substantial business of my hon. friend, the member from Winnipeg; but I prefer at present giving all the force and influence I may possess, in favor of my hon. friend's scheme of getting information rather than going away in the clouds to his dreamland of the great West. I hope, hon. gentlemen, if a Committee be appointed that it will answer the purpose of my hon. friend from Winnipeg; but if he finds that the better way would be a Commission, and if that Commission will suit his purpose, I trust the better mode will be selected by this House. An expenditure of course is involved—perhaps a large expenditure. Whether it is competent for this House to incur an expenditure of that kind is a question which, of course, the Government will consider; but that the subject is one of vast importance I feel very strongly, and I believe every hon. gentlemen in this House must concur in the necessity for the investigation.

Hon. Mr. KAULBACH—I would not have risen were it not for a remark which the hon. gentleman who has just now taken his seat made with regard to a committee being appointed on the subject of the motion before us. I was on the former select committee appointed on the motion of my hon. friend on my right, and I am sure I am but voicing the feelings of this House when I say that we secured a vast amount of information which every man who loves his country and his home must have been proud to receive, and which must have cost the country a great deal had we sought to obtain it by commission in the way the hon. gentleman opposite suggests, and from the vast extent of country to travel over it would have been a failure. The fact is, as I am authorized to say by my hon. friend who has moved for this committee, it will probably cost us nothing except for the stenographers who take the evidence, and the vast amount of information we shall receive from gentlemen having a thorough knowledge of the country we shall obtain gratuitously. The Natural Food Products Committee, to which I refer, did not cost a dollar for any witness. Considering the interest which that committee took in the matter, and the willingness and desire of witnesses to come before them —in fact more volunteered to come and give evidence than our time would permit the examination of—instead of going to a vast expense for a Commission to make this enquiry, I believe we can obtain the required information with more success and more accuracy in the way my hon. friend from Winnipeg has suggested. As to my hon. friend's zeal and enthusiasm in this matter, his devotion to his country has been manifested ever since he came on the floor of this House. Every man who feels an interest and a pride in Canada as his birthplace and his home and in the future of his country, must be proud to hear from my hon. friend of the capabilities of our great North-West and its

manifold resources. It is a marvellous revelation.

HON. MR. POWER—Hear hear.

HON. MR. KAULBACH—My hon. friend from Halifax smiles. He may well smile when he looks back to what it was when he first came into this Parliament and when I some ten years previous first came into it—the marvellous growth of the wealth and progress of the country in the face of every difficulty—progress which no country in the world has ever equalled, much less surpassed. As to the capabilities of this country, my hon. friend has shown they are almost beyond what any person has conceived. We must all feel that at the present time without railways it would not probably be wise to direct immigration into the Mackenzie River region, for many reasons. In the first place it is not conveniently accessible, though I am sure we must all feel proud to know, and proclaim abroad, that Canada has such a vast extent of fertile lands, sufficient in store for generation after generation of millions of thrifty, hardy and progressive people who may come into this country and make it their home. It is a matter of pride that we have such a home so full of substantial attractions to offer to the people of the overcrowded countries of the Old World, and to ask them to assist us in building up this young but great and growing country. The hon. gentleman from Woodstock talks about the Canadian Pacific Railway having been built too fast. I like to hear my hon. friend talk, because he speaks with great fluency, but his remarks are sometimes incongruous: his premises do not always justify his conclusions. My hon. friend on my right has told us of the 25,000,000 bushels of cereals that have come out this year from the North-West. I ask, if it were not for the Canadian Pacific Railway, would any of those cereals have been raised or brought out from that country? My hon. friend has shown, and the necessary deductions from his facts are that we are already recouped for the expenditure on the Canadian Pacific Railway, not only in the development, and material wealth produced, but we have made it in our North-West in the improved credit and the financial position and status of Canada in consequence of the success of the Canadian Pacific Railway. We have drawn the attention of the whole world to our great country which twenty years ago was scarcely known or thought of in the markets of the world and to our great North-West which a few years ago was but the home of the trapper and Indian. We now stand financially in credit one of the first countries on the globe. We can borrow money in England to-day on better terms than any other colony of Great Britain. A few years ago the country which my hon. friend from Winnipeg has been describing was looked upon as being beyond the habitable zone. When Manitoba came into the Confederation we knew nothing at all about the great North-West and its manifold resources; it was only then we began to find out the enormous value of our new possession and the country beyond it. The people from Manitoba came in and gave us some marvellous descriptions of the North-West prairies from what they knew of them: which the shrewd Nor-Westers would have gladly kept to themselves, but they did not tell us half what we know of the capabilities of our great North-West. Explorations of that country have confirmed all that has been told us as to the fertility of the soil, its varied productiveness, suitableness for colonization and the salubrity of the climate. I feel myself that we and all loyal Canadians are under deep obligations to my hon. friend for the eloquent, painstaking and forcible manner in which he has placed this subject before the House, considering the physical weakness from which he has been suffering and which I am glad to see is giving way to returning vigor and renewed strength. It seems to me that Canada has been wonderfully blest. The isotherms are now known to take a course more favorable to Canada than to the United States. It is only a short time ago since the popular belief was that any place north of the 49th degree of latitude was a frozen region and incapable of sustaining human life; but we now know that for fertility some of our best

land is there. That the Peace River District is a table land, or plateau, with an area of over 30,000 square miles, has a rich soil and a mild climate, will produce wheat, barley, oats, and all the ordinary vegetables that can be grown in Ontario. It is favorably situated. Its elevation is higher by some two or three thousand feet—a table land in the middle of which there is this vast basin of the most fertile soil and most luxuriant vegetation that can be found in any part of Canada, and so peculiarly situated as to be surrounded by elevated forests which protect it from cold and from the droughts which prevail in many other parts of the continent. This vast country has yet to be developed. It is something ahead of us—something to be hopeful and proud of, and everything which my hon. friend has said of it is borne out by all who have had the opportunity of seeing that region. I, myself, have gone over the Canadian Pacific Railway to the Pacific coast, and although it was the year before last when the country did not look as promising as it did last year, yet I was amazed not only at the vast extent of the country, but at the fertility of the soil and the progress and enterprise of the people. I was surprised to see the fertility of the soil on this side of the Rocky Mountains and the great success which the people had already attained in settling upon and bringing the land under cultivation. With regard to the Canadian Pacific Railway, I do not know where we would have been if it were not for the success of that enterprise. I do not know that we would have an existence to-day as a Dominion, if it were not for that railway. The men who had confidence in the capabilities and the future of this country and went forward in a patriotic way, not to sacrifice themselves but believing that while they were themselves building up a fortune, they were also building up the wealth and greatness of the country, deserve the gratitude of the people of Canada, and I am sure that for all time to come we must honor and respect men who showed such energy, such pluck and such indomitable perseverance as to press forward against the manifold difficulties and jealousies they had to contend with, not only in our own country from a political point of view, but difficulties across the Atlantic in the money markets, where it was represented that the North-West was a country hardly fit to be inhabited, and that Dakota and Minnesota offered greater attractions for immigrants, that our North-West was and would remain a vast howling wilderness, and that the Canadian Pacific Railway would be an incubus upon the country. All these difficulties the Canadian Pacific Railway Company have overcome, and we down in Nova Scotia to-day, feel as much pride in our national highway as the people of any other Province in Canada. I do not believe that the people of the North-West look upon it with any greater interest or with a greater desire to see it a commercial success, than we in the Provinces down by the sea.

HON. MR. POWER—My hon. friend from Lunenburg was perhaps a little mistaken as to the reason why I smiled. I was led to smile by seeing the glow of mingled patriotism and benevolence which overspread his striking countenance when he was uttering those magnificent sentences at the opening. I did not smile disrespectfully, I smiled in sympathy with him. The hon. gentleman before he sat down made some reference to the difficulties with which the Canadian Pacific Railway Company had to contend I do not know exactly what that has to do with the matter before the House; still the hon. gentleman brought it in; and I think that his remarks were intended more or less for the disloyal members of the Opposition who had spoken of the superior advantages of portions of the United States. That kind of reference has been made a great many times both in Parliament and in the press; though there never has been any declaration by any prominent member of the Liberal party that the natural advantages of any part of the United States were superior to the natural advantages of the better parts of Canada; and I am disposed to regard this continued attempt to make it appear that the Liberal party are disposed to run their own country down, and to praise up a neighboring country at the expense of Canada

as being intended to conceal something on the part of the gentlemen who have made those statements. A little circumstance came to light not long ago which goes a considerable way to sustain this view. It will be remembered by hon. gentlemen that a few weeks since a company owning an extensive ranche in the State of Texas became insolvent, and it happened that owing to that fact the names of the stockholders of that company came before the public, and that almost all the stockholders in that insolvent company were Canadians, nearly all public men, and will it be believed that amongst all those Canadian public men there was not a single Liberal—they were all Conservatives. I am of the opinion that those remarks which have been made by our friends on the other side to make it appear that the Liberals were friends of the United States, were made with a view of covering up subterranean operations of the character of those connected with that Texas ranche. There are other companies of a similar character in which I believe there are number of Canadian shareholders, Conservatives. The better way is to deal with the statements of public men and not to attribute all sorts of unworthy notives and sentiments of which there is no reasonable evidence. With respect to the notice put on the paper by the hon. gentleman from Winnipeg, I have heard it spoken of by several hon. gentlemen as a notice of motion for a Committee. Looking at the notice itself I do not see that it is so. The hon. gentleman gives notice that he will call attention to the value of that part of the Dominion lying north of the Saskatchewan water shed, east of the Rocky Mountains and west of Hudson Bay, comprising the great Mackenzie Basin—its extent of navigable waters, lakes and sea coast, of agricultural and pastoral land, its fisheries, forests and mines; with a view to an inquiry into its possible commercial and agricultural value, by a committee of this House or otherwise. There is no motion at all. It is simply a notice that the hon. gentleman will call attention to certain matters; and I may call attention to the fact that the notice is not in order, because it should conclude with an inquiry either of the Government or of some member of the House. However, I do not object to it on that ground, and am quite willing to consider it as being a motion for a committee. No one questions the fact that the House is under an obligation to the hon. gentleman from Winnipeg for the care and labor that he has bestowed upon the subject of our North-West. I think that the hon. gentleman has set an example that a great many other hon. members might well follow. Despite the physical difficulties under which he has unfortunately labored during the past few years, he has done a large amount of valuable work, and I think for that work he deserves our thanks and the thanks of the country. While I feel that, I do not myself think there has been a case made out for a Committee in the present instance. Reference has been made by the hon. gentleman from St. Boniface to the Committee of last year, and a reference of the same sort was made by the hon. gentleman who brought this matter to the notice of the House. There is one marked distinction, however, between the matter that was before the Committee last year and the subject which the hon. gentleman has now brought before us, and that is this: that we had actually entered into possession of the North-West; we had set up a system of Government there; we had built a railroad there; the country was ready for settlement, and settlers were going in, and it was a practical necessity that we should have accurate information with respect to that territory. Now, I contend, with all deference to the hon. gentlemen who have spoken before me, that that is not the case with respect to the Peace River country.

HON. MR. SCHULTZ—I desire for a moment to correct my hon. friend and to say that so far from that country not having the same degree of interest taken in it as the country immediately to the south of it, at this moment men who follow the occupation of mining from his district and from the districts of many other hon. gentlemen are trying to get through that very pathway to the rich deposits of gold on the headwaters of the Liard and Yukon Rivers.

HON. MR. POWER—That does not affect my argument at all! If there is gold in the Rocky Mountains, I presume that the miners will find a way to get at it and to get it out; but what I was going to say is that I thought we were going a little too fast. It has been the way with Canada. The hon. gentleman from Alberton talked about hoping. It has been a case of "hope on, hope ever." We have never stopped to realize the result of our expenditure. We have been expending millions with a view always to something in the future.

HON. MR. KAULBACH—And we have got the benefit of it.

HON. MR. POWER—I have read that in Scotland, along the country roads, on the tops of hills are found flat stones comfortable to sit upon, and that those stones are called by the country people "rest and be thankful." I think that we might once in a while at any rate, when we have accomplished a great deal and have got into debt a few millions, rest and be thankful for a while, and contemplate the work we have done, and see what result follows from it before plunging into some other expenditure that is supposed to promise well for the future. We have, for our own population and for the number of emigrants that have settled in Canada for the last few years, and for those who may come for a considerable time in the future, land enough which can be reached by railroads which are now constructed or are in course of construction; and it will be quite time enough when Manitoba and the present North-West have been fairly well settled to expend large sums of money to develop the country further north. The Mackenzie Basin is a region which is shut off from the United States by our own settled territories; it is shut off from the west by the Rocky Mountains, and it is not likely to be interfered with by outsiders. It will keep. I do not propose to dwell at any length on the various statements which have been made by hon. gentlemen who have taken this hopeful view of the future, and who have urged immediate action of some kind; but there were one or two small points which I think I might be allowed to say something on. Time is now of no moment. We have plenty of time before us. The session is going to be long, and the adjournment will be short; and I propose to utilize some portion of it for the next few weeks. There was one suggestion which occurred to me in connection with this matter. There are a number of officers of the Government who are paid very fair salaries and whose duty it is to report upon the character of the country. Those officers have already reported, and they will continue to report. I think it rather their duty than that of a committee of the Senate to give us imformation with respect to the character of that country; and further I think that, although most of us probably have not read the books, a great deal has been written on that country; and if the hon. gentleman will take the trouble to read what Prof. Hind and a number of others have written on the subject, they will have a fair idea of that region for all all practical purposes. When we have settled the North-West, and find it necessarp to settle the country north of it, then we can get more minute information. We have been told that wheat can be grown in that country. We have plenty of wheat-growing country already; the difficulty will be to find a profitable market for it and people to grow it. With respect to minerals, we are not badly off in that way; there are minerals enough in the settled portions of the country to accommodate the present population. Of course, if we had reciprocal trade with the United States, we might find a market for some of those products, and it might then be worth while to look for larger supplies than we now have open.

I was rather surprised at the hon. member from St. Boniface, after endorsing all that had been said as to the character of this country, proposing to send criminals there. It was a most extraordinary proposition, and I can only account for it by considering the general benevolence of my hon. friends disposition. He would not hurt a fly, and I do not think he would like to punish a criminal. It would be sending criminals to a place which is almost an earthly Paradise. Now if I were asked where I should send the criminals I

would say to Labrador or to Hudson's Straits.

HON. MR. SCHULTZ—Or to Halifax?

HON. MR. POWER—My hon. friend from Hamilton was very impressive and romantic in describing the scene he beheld from the Foot Hills of the Rockies. I could not help thinking that there was one feature of that description which was a little inconsistent with the poetic spirit which permeated the bulk of it, and that was his desire to see tall chimneys in the scene. I think it would have destroyed the romance. The steeples were all very well, but the chimneys would have utterly spoiled the scene, and I hope when he revises his speech that he will omit the chimneys. This loyalty will crop up every little while; I heard another gentleman belonging to the party which claims a monopoly of loyalty in this country, talking about the time when we should have the independence of a nation. Now, if a further development of this Peace River country is to lead to the severance of the tie that binds us to the Mother Country—

HON. MR. SCHULTZ—It was I, and not the hon. member from Hamilton, who used that expression about the independence of a nation, but I quoted the words of a distinguished American.

HON. MR. POWER—The hon. gentleman is mistaken: I did not refer to that quotation at all, but to a statement made later I think by the hon. member from Hamilton.

HON. MR. SANFORD—I do not recall the chimneys: I do recall the smoke, and I have no remembrance of the Empire specially.

HON. MR. POWER—The hon. gentleman spoke of factories, and factories always recall the tall chimneys spoken of by the leader of the Government.

HON. MR. KAULBACH—My hon. friend is opposed to factories.

HON. MR. POWER—I am not opposed to them in the right place, but I am opposed to them in a romantic scene at the Foot Hills of the Rockies. I was about to say that if the opening up of the Peace River country and the expenditure of money there is to involve a severance of the silken cord which binds us to the Mother Country I do not wish to see the money spent: I prefer to retain the cord. I have never been a believer in the independence of this country. I wish to conclude with a repetition of the statement that I made a while ago, that the hon. gentleman who has brought this matter before the House has, on previous occasions, done great service to the country by furnishing information which we should otherwise not have got, and I think that he deserves our thanks now. I do not think that a Committee is necessary, partly because the hon. gentleman's own admirable speech has given us a great deal of information, and partly because each year the reports from the different departments give us this information, and partly because the hon. Senator from the North West Territories, who I believe knows as much of that country as any one in Canada, will be able to furnish such information as the Committee would be likely to obtain. At the same time, if the hon. gentleman moves for a Committee, I for one have no particular objection to his getting it, because, as he has informed the House through my hon. friend from Lunenburg, the Committee would cost very little, inasmuch as the gentlemen who are to give evidence are in Ottawa at present.

HON MR. ABBOTT—I am sure that the House, notwithstanding my hon. friend's criticism, will agree better with what he said at the commencement of the speech than what he stated in the course of it, because he acknowledged in the first part of his speech the eminent services which the hon. member from Winnipeg had rendered the House last year, which his address of the present year tended to add to, by the information which it conveyed. I heartily agree with my hon. friend o ppositein what he has said in that respect, and in the commendation he has bestowed on

the hon. gentlemen from Manitoba for their efforts in endeavoring to spread a knowledge of the enormous country of which they are only on the outskirts. I do not propose to follow my hon. friend the senior member from Halifax through the criticisms of the speeches, he indulged in, but I am glad that he had the opportunity, which he seems to desire, of vindicating his loyalty. I do not think it was necessary. I do not think any gentleman doubts my hon. friend's loyalty or his affection for his country. In making his remarks I think he was indulging in what may be conversationally called a little chaff, rather than presenting to the House any serious argument for or against any particular proposition. In fact, he at last appears to concur in the idea that a committee would be rather a good thing, and he says that he has no objection to it. What he does seem to object to, is that there should be any more knowledge of this country, and that it should be diffused through the land in the papers published by this House. He says that we know enough about our country already; he thinks we have enough mines, minerals and lands and that we do not want any more.

HON. MR. POWER—We want more people.

HON. MR. ABBOTT—At all events, until we abandon our country and surrender ourselves to the tender mercies of the people to the south of us. I think we should endeavor to learn all we can of the extent and character of our possessions. I differ from my hon. friend, because I think the more information we can get about our country the better, and particularly of a portion of it which is admitted to be so valuable. And we should get it from time to time as fast as it can be obtained. My hon. friend from Halifax says, we have enough land and minerals for the present, but I hope the time will come, perhaps not in my lifetime, but I hope in his, when we shall want more land, and more minerals, more convenience for trade and traffic, and more facilities for the settlement of immigrants, and for the spread of our own people. For these purposes, therefore, I think it is a good thing that we should be acquiring our information as we go along, in order the better to direct our minds hereafter towards furthering the progress of our country. While joining with him, therefore, in his commendations of my hon. friends who have brought the subject under the notice of the House, and expressing the great interest I have taken in this debate (although it has reached proportions hardly to be gathered from the notice given, or from my hon. friend's speech) I concur with him, only more forcibly, in the expression of willingness to concede this committee in case my hon. friend should move for it. We have already some very valuable information about this great country. There is an old book written by a former factor in the Hudson Bay Company, or perhaps the North-West Company, of which I have no doubt my hon. friend has full information—a work by Mr. McLeod, who gives a most interesting diary of a journey through the Peace River country furnishing very minute particulars of its products, appearance and climate. We have also the record of Mackenzie's voyages down the great river, which also furnishes important information about some of the natural products of that territory—for instance the abundance of petroleum or naphtha, or some exudation of that kind to be seen, if I recollect right, for hundreds of miles along the banks of this river, indicating perhaps some still more valuable products which do not display themselves on the surface. If my hon. friend from Winnipeg moves for a Committee I think the House will be very glad to enable him to render to us this year the same kind of service that he rendered last year. We shall be very glad to receive the information which such a Committee would give us; and the danger with regard to expense is not to be feared, because I understand it is not the intention of my hon. friend to bring witnesses from the North-West with regard to the subject matter of his Committee, but to take the information which he can obtain in the neighborhood of Ottawa.

HON. MR. SCHULTZ—It so happens that we are commencing the inves-

tigation of the resources of the country watered by the Mackenzie river just 100 years after Sir Alexander Mackenzie discovered and descended it, and I beg to refer the House to the value of the information which he acquired on that voyage. The hon. member from Halifax says why not leave this whole matter to the paid officials of the Government to investigate? I simply ask him to consider the extent of the country and to say how one director of our Geological Survey with one or two assistants could possibly give us information in regard to a country which is as large as I have stated, and which you will see from the maps on the table, is as large as France, Germany, Austria, Italy and Spain. It is impossible, and we have among the members of this House gentlemen as fitted to ascertain the information from the sources at hand as any paid servant of the Government. With regard to the resources of this great country of ours, there can be no possible question; were the United States to the south of us blotted out to-day, we would be a self-supporting nation. We have everything north of the boundary line that they have to the south, with the single exception of cotton, and in lieu of that we have flax of a quality that they cannot pretend to compare with. We have some of the best wool in the world; we have all that our northern climate needs, and I repeat we have in our own country all that is requisite to make a great nation, and the more we know of it, by a committee or otherwise, the better it will be for us in after years. Another gentleman has alluded briefly to the isotherms of temperature, and my hon. friend from Halifax professes to doubt somewhat the statement as to the climatic conditions of the region in question.

HON. MR. POWER—My hon. friend has quite misapprehended my remarks: I did not express a doubt on the subject.

HON. MR. SCHULTZ—It is a singular thing that the isotherms of summer temperature which run direct east and west when south of James' Bay trend rapidly northward when you go west of that point. Whether it is from the influence of the warm currents of water which lave the Pacific shore of Canada, and which are twenty degrees warmer than the waters on our eastern shores, or whether the isotherms follow that range of Laurentian hills which passing north of the Ottawa river trend northwestward and then northward to the Arctic sea, I do not know, but it is a fact that we have at Montreal just the mean temperature of Sitka and we have in the Peace river valley at Dunvegan exactly the mean temperature of Toronto. This is a country worthy of investigation. The belief in the future of that great North-Western country is shared in by those of us who are its representatives here. My hon. friends from St. Boniface, St. Kildonan, British Columbia, the North West Territories and myself are not the only people who believe in the future of that country: we only represent a feeling that is universal in the west, and that is why whatever people in the east may feel upon the subject, you cannot find to-day between the head of Lake Superior and the Pacific ocean a dozen persons who would willingly join the future of Canada with the nation to the south of us. I thank hon. gentlemen for the interest they have taken in my notice of motion and the almost unanimous expression of opinion from those who have spoken. I take it for granted that they wish me to move for a Committee at once.

HON. GENTLEMEN—Yes, go ahead and move for the Committee.

HON. MR. SCHULTZ—If I understand hon. gentlemen aright I am urged to move, and without further notice, for the appointment of a Committee, and I therefore beg to move, seconded by the hon. Senator (Macdonald), from Toronto

That a Select Committee composed of the Honorable Messieurs Almon, Bolduc, Botsford, Carvell, Chaffers, Ferrier, Dickey, Girard, Howlan, Kaulbach, Leonard, McCallum, McClelan, McInnis (B.C.) Macdonald, (B. C.) Macpherson (Sir David Lewis), Merner, Miller, Ogilvie, Pelletier, Reesor, Robitaille, Sanford, Sutherland, Thibaudeau, Turner, O'Donohoe, Poirier, Power, Macdonald (Midland), Hardisty, Gowan, and the mover, be appointed to inquire as to the resources of that part of the Dominion, lying north of the Saskatchewan watershed,

east of the Rocky Mountains and west of the Hudson Bay, comprising the Great Mackenzie Basin—its extent of navigable Rivers, Lakes and Sea Coast, of Agricultural and Pastoral Land, its Fisheries, Forests and Mines; five to be a quorum, and the said Committee to have power to employ a short-hand writer.

The motion was agreed to.

THE PRINCE EDWARD ISLAND SUB-WAY.

MOTION.

HON. MR. HOWLAN moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellence will be pleased to cause to be laid before this House, a copy of the Plans and Reports of the last survey concerning the proposed Sub-way between Cape Traverse, Prince Edward Island, and Cape Tormentine, New Brunswick.

The motion was agreed to.

TORONTO BOARD OF TRADE BILL.

SECOND READING.

HON. MR. MACDONALD (Midland) moved the second Reading of Bill (D) "An Act to amend the several Acts relating to the Board of Trade of the City of Toronto."

He said—The amendments proposed by this Bill are very few and simple. They refer chiefly to a few alterations in reference to the election of members and the mode of arbitration.

The motion was agreed to and the Bill was read the second time.

BELLEVILLE & NIPISSING RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. FLINT moved the second reading of Bill (E) "An Act to incorporate the Belleville and Lake Nipissing Railway Company."

He said—This is a bill for the construction of a railway from the city of Belleville, or near it, through the valley of the Moira, on to Tweed, Bridgewater, Queensborough, and Bannockburn, to connect with the Ontario Central, if it is possible to make an arrangement with them, and thence on to Nipissing. If it should not be possible to make an arrangement with the Ontario Central Railway Company, they ask power to take another route. The object of the bill is simply to endeavor to get the valley of the Moira and its large water powers in a position to be used.

The motion was agreed to and the bill was read the second time.

PORT ARTHUR, DULUTH & WESTERN RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (21), "An Act respecting the Port Arthur, Duluth & Western Railway Company."

He said—This Bill is simply to confirm an Act passed by the Ontario Legislature at its last session

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Wednesday March, 28th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (21) "An Act respecting the Port Arthur, Duluth and Western Railway Company." (Mr. Clemow.)

ALBERTA RAILWAY AND COAL COMPANY'S BILL.

THE 51ST RULE SUSPENDED.

HON. MR. GOWAN from the Committee on standing Orders and Private

Bills presented the eighth report, recommending that the 51st rule of the House be suspended so far as it relates to Bill (68) " An Act to incorporate the Alberta Railway and Coal Company."

HON. MR. OGILVIE moved that the 51st rule of this House be suspended in so far as the same relates to the Petition of Sir Alex. T. Galt, and others praying to be incorporated as the Alberta Railway and Coal Company, as recommended.

The motion was agreed to.

PETITIONS FOR PRIVATE BILLS.

MOTION.

HON. MR. GOWAN—I beg to move in accordance with the recommendation of the Report of the Committee on Standing Orders and Private Bills that the time limited for the presenting of Petitions for Private Bills, which expires to-day, be extended to Wednesday the 18th day of April next.

HON. MR. ABBOTT—I think it would be advisable, if it were practicable, that the practice of the Senate in this respect should approximate as nearly as possible to the practice of the other House, and it has usually done so. We have usually extended the time for receiving Private Bills in both Houses to the same period. Last week the time expired within which Petitions for Private Bills could be presented to the House of Commons and this House also; therefore I think it is somewhat inexpedient to make a different rule and extend the time as long as we propose to do by this motion. The fact is, as was remarked in the other House, the presenting of these Petitions after the proper time has elapsed is growing into an abuse. It puts off the work of the session too long, and gentlemen who wish recourse to this House for a remedy should do it in the proper time. I do not propose to throw any blame on the Petitioners who are now in arrear, because I understand that there are two of them who are not in any respect to blame for this delay; but as there is a very simple way of getting their petitions before the House, I would suggest to my hon. friend to leave the order as it is, and adopt that method for bringing in their petitions when they are ready. The House is aware that all that is necessary is to present a short petition asking leave to bring in a petition, and I have never know a case in which it was refused where the circumstances justified it; and as that plan is the one open to the two persons whose petitions have been delayed, I would suggest that my hon. friend should not persist in his motion but leave those petitioners to their ordinary recourse by that means.

HON. MR. GOWAN—I daresay my hon. friend from Toronto will see in the solution suggested by the leader of the House all that he wants. There are two petitions in arrear. I have no objection, and I think it would be proper to withdraw the motion seeing that the petitioners are not without their remedy.

HON. MR. MACDONALD (Midland)—I apprehend that the motion before the House arose from a Bill which I have charge myself, and the Committee finding that they could better keep within the regular letter of the law by extending the time than by allowing the Bill to come before the House, passed the motion which has now been brought before this Chamber. If the leader of the Government would undertake that the Bill, which I have in charge, will not be prejudiced by any change of that kind, of course there can be no objection; but if the Bill were to be jeopardized by it, it would become a very serious matter.

HON. MR. ABBOTT—Of course I would not undertake to say what the action of the House will be upon this Bill, but I think I speak the rsentiment of the House which I say, that no objection will be offered to the presenting of the petition, provided any reasonable ground is shown for it.

The motion was withdrawn.

THE TUDOR DIVORCE BILL.

FIRST READING.

HON. MR. GOWAN, from the Select Committee on Standing Orders and Private Bills, presented their ninth report and moved its adoption.

The motion was agreed to.

HON. MR. OGILVIE introduced Bill (F) "An Act for the Relief of Eleonora Elizabeth Tudor," and moved that it be read the first time.

The motion was agreed to.

HON. MR. OGILVIE moved—

That the said Bill be read a second time on Thursday, the twelfth day of April next, and that notice thereof be affixed on the doors of this House, and the Senators summoned; and that the said Eleonora Elizabeth Tudor may be heard by her Counsel at the second reading to make out the truth of the allegations of the said Bill, and that Frederick Levy Hart may have a copy of the said Bill, and that notice be given to him of the said second reading, or sufficient proof adduced of the impossibility of so doing, and that he be at liberty to be heard by Counsel what he may have to offer against the said Bill, at the same time; that the said Eleonora Elizabeth Tudor do attend this House on the said twelfth day of April next, in order to her being examined on the second reading of the said Bill, if the House shall think fit, whether there has or has not been any collusion, directly or indirectly, on her part, relative to any act of adultery that may have been committed by him to obtain such separation, or whether there be any collusion, directly or indirectly, between her and him or any other person or persons, touching the said Bill of divorce, or touching any action at law which have been brought by her against him, the said husband of the said Eleonora Elizabeth Tudor, and also whether, at the time of the adultery of which she complains, he was by de edor otherwise by her consent living separately and apart from and released by her, as far as in her lay, from his conjugal duty, or whether she was at the time of such adultery, cohabiting with him and under the protection and authority of him as her husband.

The motion was agreed to on a division.

THE COAST SURVEY AT CAPE TORMENTINE.

MOTION.

HON. MR. BOTSFORD moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Engineer's Report appointed in 1884 and 1885 to survey the coast at, and in the vicinity of Cape Tormentine, Straits of Northumberland, with a copy of the plan and soundings accompanying the same.

The motion was agreed to.

THE UNIVERSAL EXHIBITION AT PARIS.

INQUIRY.

HON. MR. PELLETIER inquired:

Has France invited Canada to take part in the Universal Exhibition which is to be held in Paris in 1889. If such invitation has been made has the Government accepted? If the invitation has been declined, will the Government do anything to aid the Canadian Exhibitors in defraying their expenses or part of them?

HON. MR. ABBOTT—I beg to say that Canada has received no invitation from France to take part in this Exhibition. At the same time, if any Canadian exhibitors desire to send over articles for exhibition the Government will do all in their power to facilitate their going, though they do not propose to make any appropriation of money for that purpose.

HON. MR. PELLETIER—Was any invitation sent through the Imperial Government?

HON. MR. ABBOTT—If my hon. friend desires to know that I will endeavor to find out for him by the next meeting of the House.

THE INTERCOLONIAL RAILWAY.

AN EXPLANATION.

HON. MR. ABBOTT—Before the order of the day are called I wish to make an explanation. My hon. friend from Rookwood (Mr. Odell) made a statement respecting some difficulty he had experienced on the railway between Riviere du Loup and Montreal, which of course was perfectly well founded as far as the hon. gentleman was concerned

and called for some explanation from the Department of Railways. This explanation I desire to give to the House although my hon. friend did not ask for it, or did not place it in his notice on the former occasion. The facts as no doubt the House will remember, were that my hon. friend with others was travelling westward, in a Pullman, and at Riviere du Loup was put in a first-class car. The conductor represented to him that he would be put on board a Pullman at Levis. That undertaking was not fulfilled. There was no Pullman at Levis, and he was obliged to travel in an ordinary first-class car to Montreal, which was no doubt a great hardship to the hon. gentleman, and a very improper thing to occur. The train going down from Montreal had a sleeper attached with passengers, and in consequence of severe breaking, that is to say, in consequence of the way the breaks were applied to the wheels, they were found to be in such a condition that they were dangerous, and there being no Pullman available at Leivs the passengers were sent in a first-class car and instructions were given to transfer them to the first Pullan coming west. In the meantime arrangements were made at Levis to have the wheels repaired so as to have a Pullman ready to receive the passengers coming westward. In consequence of absolute neglect on the part of the officials at Levis nothing was done to repair the wheels, and when the conductor of the train arrived at Levis and applied for the car, which should have been ready for him, he found that nothing had been done. If the arrangement made at Levis in the morning had been carried out there would have been no difficulty or inconvenience beyond the inconvenience of changing my hon. friend and his fellow passengers to a first-class car at Riviere du Loup, which was an unpleasantness, but at the same time less of inconvenience, looking at it from a public point of view, than having the passengers travelling eastward sit up all night, as unfortunately it turned out that my hon. friend and his fellow-travellers had to do. The arrangement of the Department was complete. There was no reason for anticipating such a difficulty with this car coming from Montreal to Point Levis, and what was done was probably the most reasonably and proper thing to do, to subject the passengers travelling in both directions to some unpleasantness, and to give as little inconvenience as possible to the travelling public. The officials at Levis have been called up and required to give explanations and have been reprimanded severely for their misconduct which has caused such inconvenience. That is very little comfort, no doubt to the hon. gentlman, but the Department regret that the incident occurred and tender to my hon. friend and his fellow travellers an apology for the trouble they experienced. It is but justice to the hon. member to say that he is perfectly justified in the complaint he made.

HON. MR. ODELL—I beg to thank the hon. gentleman for the courtesy he has extended to me in giving this explanation and I have no doubt he has taken some trouble to furnish a satisfactory answer, but I must confess that it does not quite meet the case. In the first place, he tells me that every exertion was made to supply the defect of this Pullman in order that we might be taken on. It was on the distinct understanding that that Pullman would be ready for us that we agreed to give up our Pullman at Riviere du Loup and travel to Levis in a first-class car. We had to pass the night without any Pullman whatever, while the passengers who were travelling eastward were accommodated. There is just one point which I wished the hon. leader of the Government to understand. He says that every exertion was made to have this Pullman repaired at Point Levis.

HON. MR. ABBOTT—The arrangement was made to have the Pullman repaired, and the officials having the shop there could easily have done it, but they neglected their duty.

HON. MR. ODELL—The answer given me at Point Levis when I complained to the person in charge that the Pullman was not ready was that they had no wheels there and could not have one

ready. That is the point that I would like to have settled. It is all very well to tell me that the parties have been found fault with for not having the repairs made, but if my information is correct—and I got it from the chief man in charge there—they had absolutely no wheels there and no repairs could be made. He looked astonished when I said that the wheels should have been repaired and said "how could I have repairs made when there are no wheels here?" If it is correct that he had no means to repair this Pullman it is not right to blame the officials at Levis. I should be very sorry on any complaint of mine to throw odium on the officials at Levis if it is really true that they had no means there to repair the wheels. The Superintedent at Riviere du Loup who sent a telegram to us that the Pullman would be ready for us on our arrival was at Levis and he it was who should have seen that these repairs were made or given us notice of it. I have only to repeat that I am very much obliged to the hon. gentleman for the trouble he has taken, but there is something more which requires explanation.

HON. MR. ABBOTT—The hon. gentleman did not quite appreciate the explanation I gave. I stated that there were shops at Levis where the wheels could have been repaired. The wheels were there, because they had come from Montreal in a damaged condition, and they could have been repaired because it was a small affair to make them fit for the return trip to Montreal. It was a portion of the offence of the Superintendent there to give my hon. friend such an answer as he did. He had no right to give him such a reply: he should have told the truth, namely, that they had been instructed to have the wheels repaired and that they had neglected to do so.

HON. MR. ODELL—I only wanted the Government, the House and the Department to understand that the answer given to me was that it was impossible to make the repairs because they had no wheels there.

CONTINGENT ACCOUNTS OF THE SENATE.

MOTION.

HON. MR. READ moved that the second report of the Select Committee appointed to examine and report upon the contingent accounts of the Senate be concurred in. He said: the report recommends that the sum of $100 be paid to Dr. Hurlbert for having prepared a condensation of the report of the Select Committee of the Senate on the existing Natural Food Products of the North-West Territories. The other recommendation is with respect to the application from the newspaper reporters for better accommodation.

HON. MR. POWER—The hon. gentleman has not stated what was said about the gallery for the reporters.

HON. MR. ABBOTT—I would like before the Report is adopted to know what the precise recommendation was with respect to the reporters. Do I understand that it is proposed to erect galleries outside of the gallery in the House?

HON. MR. READ—No, it is the same thing that the leader of the House himself suggested to the Committee.

HON. MR. POWER—The report does not express the opinions of all the members of the Committee, I think. In the first place we have some doubt as to the entire propriety of this matter having been dealt with by the Committee on Contingent Accounts. There is a Select Committee of this House on the subject of the reporting of the Debates. That Committee met and considered this question of better accommodation for the press reporters. They reported generally that better accommodation should be provided. The House adopted that report, and the Committee had, as I understood, refrained from recommending any particular scheme until the House had assented to the general principle that improved accommodation should be furnished to the press. When the House did approve of that general

principle, it seems to me, as a matter of courtesy and parliamentary etiquette, that the matter of providing better accommodation should have been decided by the Committee on reporting. However, it has been dealt with by the committee on contingent accounts, and I suppose that the matter is before the House, at the same time I think the report should have properly speaking come from the Debates Committee. As to the recommendatiou of the Committee I for one feel perfectly satisfied that the result will not be satisfactory. It is quite clear that a reporter sitting in the gallery on the left hand side of the Speaker, will not be able to hear and consequently will not be able to make a satisfactory report of language used by gentlemen who stand on this side of the House. A member cannot be heard distinctly by a reporter sitting some considerable distance behind him. There is that serious objection to the adoption of the report. Then, I think the report goes rather further than the recommendation of the committee. My understanding of the decision of the Committee was not that there should be an enclosure made in the gallery, which would involve expense, but that a table should be placed there for the reporters to enable them to determine by actual experience whether that position would be a satisfactory one. That would not involve any extra expense, and if it turned out on actual trial that the position was not satisfactory, the tables could be removed to some other place. I think I am in the hearing of other members of the Committee, and I would like to ask some hon. gentlemen who were at the meeting if that was not the understanding that there was to be no permanent structure put up in the galleries, but simply that the tables were to be placed there so that the reporters would have an opportunity of trying whether the new plan would be suitable or not. Under the circumstances I think it would be unwise to go to the expense of erecting a permanent enclosure in the gallery. My own conviction is that the only place where the press reporters can be located with satifactory result is on either side of his honor the Speaker. Of course, the majority of the member of the House would not be prepared to have tables placed there. Reporters, were allowed to sit there in former years, and until an unfortunate occurence took place which had nothing to do with the position of the reporters, there was no dissatisfaction expressed by members of this House.

HON. MR. ABBOTT—I had the advantage of being present at the meeting of the Committee, and I agree with the hon. gentleman from Halifax that I do not think it was intended, or that this report contemplates any expenditure being made in connection with the proposed change. It was recommended by the Committee that a temporary arrangement should be made to have tables placed there, and some kind of temporary enclosure put there to separate the public from the reporters.

HON. MR. POWER—There never is any public in the gallery.

HON. MR. ABBOTT—My hon. friend is mistaken; while he was speaking yesterday there were at least eight or ten people there. At all events we must hope that some time or other our debates will be of sufficient interest to bring the public there. Fortunately or unfortunately, the debates of this House or the style of the debates in this House does not possess that attraction and interest for the public that the debates in the other House do, and it has not been the custom, and is not likely to be the custom to have extensive reports of them published in the press. What is needed is that intelligent reporters should furnish the public with the points that each speaker makes without undertaking to detail all that he utters. With reference to the change which my hon. friend refers to, it would be as well that I should say what I think about it. My hon. friend himself is standing now about the same distance from the tables which have been occupied by the reporters for the last three weeks as he would be from the reporters if they were placed at the other end of the room, and the only advantage that he would have if the tables were changed to the upper end of the room would be that he would then be

facing the reporter and might have that advantage in being heard. So that it appears to me that the tables which we lately put below the bar for the reporters on their own representations are about as useful to them as if they were put at the other bar, and there is not that disadvantage of the reporters being within the precincts of the House which is to be deprecated as much as possible. For a number of years the Official Reports of the Debates of this House were taken by reporters sitting in the gallery, and if reporters could there succeed in making reports sufficiently full for the official record, I think the press reporters would hear sufficient to furnish condensed reports such as the newspaper are willing to publish. I hope that no expense will be gone to until a satisfactory arrangement is found, and then only with due regard for the appearance of the Chamber.

SUBMARINE CABLES BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (C) "An Act Respecting the International Convention for the preservation of submarine cables."

He said—This is a Bill introduced to assimilate our law to that of England and other countries represented with respect to the protection of the submarine telegraph. Hon. gentlemen are aware that there was an international Conference held in Paris 1884, at which the subject of submarine telegraphs and their protection was taken up, and in which it was agreed that the various countries represented in that Conference should join in making arrangements for the protection of submarine cables, and that each country should give effect to it by statute passed in its Legislature. In England they took the matter up in 1885, and passed a law there for the purpose of giving effect to this Convention. The attention of this Government has been called to the subject by the Foreign Office, and the result has been the preparation of a Bill which gives effect simply to Convention, and is similar in most respects to the English Bill. It differs from it in this, that it does not make those provisions for procedure, which, according to our constitution, do not pertain to the Legislature of the Dominion. They must be regulated by the Local Legislatures, and I think the ordinary procedure of the courts is sufficient for the purpose of giving effect to the provisions in this Bill. The details of it will no doubt be more fully discussed when it comes before the House. I propose to move that the Bill be now read the second time with a view to having it come before a Committee of the whole House on the return of the members after the vacation.

The motion was agreed to, and the Bill was read the second time.

BILLS INTRODUCED.

Bill. "An Act respecting gaming in stocks and merchandise." (Mr. Abbott.)

Bill (8.) "An Act to incorporate the Canada and Michigan Tunnel Company." (Mr. Casgrain..)

Bill (9.) "An Act respecting the Canada Southern Railway Company, and the Erie and Niagara Railway Company." (Mr. McCallum.)

Bill (18) "An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company." (Mr Vidal)

THE INUNDATION AT MONTREAL.

HON. MR. DEBOUCHERVILLE—With the consent of the House and of the Minister, I would like to ask the Government if it is probable that we shall have the report on the inundation of Montreal very soon.

HON. MR. ABBOTT—I was informed by the Minister of Public Works two or three weeks ago that the report was in course of preparation, and would shortly be ready. I shall make enquriies, and will endeavor to have it ready for presentation to the House when it re-assembles after Easter.

The Senate adjourned at 4:20 p.m.

THE SENATE.

Ottawa, Wednesday, April 4th, 1888.

THE SPEAKER took the chair at 8:30 p.m.

Prayers and routine proceedings.

RESOURCES OF THE GREAT MACKENZIE BASIN.

FIRST REPORT OF THE COMMITTEE.

HON. MR. SCHULTZ, from the Select Committee appointed to inquire in the resources of the Great Mackenzie Basin, presented their first report recommending the employment of an extra clerk. He moved the adoption of the report.

HON. MR. MILLER—The report should lie on the table for at least one day.

HON. GENTLEMEN — Carried! Carried!

HON. MR. POWER—The report has not been printed and I do not think the members of the House are now in possession of its contents.

HON. MR. MILLER—It is against the rules of the House to ask that a report of that kind should be at once received and adopted. The hon. gentleman should move that the report be taken into consideration to-morrow.

HON. MR. MACDONALD (B. C.)—In the absence of the hon. member from Winnipeg, who is not at present in the Chamber, I move that the report be taken into consideration to-morrow.

The motion was agreed to.

REPORTED CHANGES IN THE CABINET.

INQUIRY

HON. MR. O'DONOHOE inquired: Whether there is good foundation for the reports of the public press that since the last session of Parliament an hon. member of this House, the Hon. Frank Smith, resigned his seat in the Privy Council because he was not consulted in the making of certain judicial appointments for his Province? If so, when and what was the cause assigned by him? Has the resignation been accepted, or withdrawn? If the latter, when?

HON. MR. ABBOTT—In answer to my hon. friend's question I must say that it is quite impossible for the Government to know what the reports were in the newspapers about these circumstances; and, if they did know that there were reports in the newspapers, it would be impossible to say which of them my hon. friend refers to. He asks the question "whether there is good foundation for the reports of the public press." I am unable to answer that question, not knowing the reports to which he refers. But I do not propose to pass over the question in that way. I may say in answer to his question, that no vacancy has occurred in the Cabinet; that there has been no change in its *personnel* and that unless one of these circumstances has occurred, the matter has gone no further, obviously, according to my hon. friend's statement of it, than a mere discussion, and it is not consistent with the obligations of a Privy Councillor or public policy to relate conversations which take place in the Privy Council or between Privy Councillers.

TRADE WITH THE WEST INDIES.

INQUIRY.

HON. MR. DEVER rose

To inquire of the Government whether they feel favorably disposed towards giving better communication than now exists for the conveyance of Mails, Passengers, and Freight, between the Dominion of Canada and the West India Islands?

He said: — In rising to ask this question, I wish to say, by way of explanation, that previous to confederation in New Brunswick promises were made to us that by confederation our trade would become extended and business become increased in every way. Our merchants then traded in every country where they could purchase

cheapest and sell the dearest. Germany, France, Spain, England, Scotland, Ireland, the United States, and the West India Islands were open to them. I may also point out that duties on goods then were only nominal. But this is changed now, and "golden dreams" of the "North West," and somewhat wild, and "slipshod" speeches are given instead; but my wish, hon. gentlemen, is not to disturb, this harmless pleasure, further than to say—that there are others also, who have interests very dear to them, and that there may be no misunderstanding of this matter, I ask permission to present to this hon. House a memorial which, I hold in my hand, from the merchants of Saint John—through their Board of Trade—which reads as follows:

THE MEMORIAL OF THE BOARD OF TRADE OF SAINT JOHN NEW BRUNSWICK,

Respectfully sheweth:

THAT for many years past the want has been felt for better communication than now exists for the conveyance of *Mails*, *Passengers* and *Freight*, between the DOMINION OF CANADA and the WEST INDIA ISLANDS.

THAT it is the opinion of your Memorialists that if a line of Steamers be established to run between a maritime port of the Dominion, calling at several of those Islands, a very large and profitable trade will eventually be promoted—not only with the Maritime Provinces, but that far greater facility will be given to the interior Provinces of Ontario and Quebec for the importation of FRUIT, SUGAR, and other West India products, and the exportation of the manufactures and natural productions of the Dominion, than is now afforded.

THAT on the opening of the Megantic or Short Line Railway this year, the distance between the Maritime Provinces and the interior Cities of the Dominion will be very materially shortened.

THAT in the opinion of your Memorialists the Harbor of Saint John affords the most ample accommodation, and is the best fitted as a terminal port for vessels in this trade, from its directness of route, ease of access, safety while in port, from its being entirely free from ice in the winter, and from the probability that a large annuity of freight will be brought to it *via* the Canadian Pacific and Megantic, or Short Line Railway, for shipment.

Your Memorialists believe that the time has now arrived when the Government should liberally subsidize a line of Steamers running between the Dominion of Canada and the West India Islands, and thus promote and encourage a direct trade, and divert to Canadian ports a large business at present done through American channels.

That your Memorialists are credibly informed, and have had tangible proof laid before them, that responsible parties are prepared to put on a steamer or steamers of suitable dimensions and capacity to meet the requirements of the trade, if the necessary encouragement be extended to them.

Your Memorialists would therefore earnestly but respectfully ask that a sum of money sufficient for this purpose be granted from the Dominion finances for a subsidy to a line of steamers to run between Saint John and the Islands of Bermuda, Jamaica, Barbados, Trinidad, and Demerara.

And your Memorialists will ever pray.

HON. MR. ABBOTT—In answer to my hon. friend's question, I may say now, as I had the honor of stating to this House a day or two ago, that the Government has under consideration measures for the encouragement of trade between Canada and the West Indies, and no doubt feels favourably disposed towards facilitating that trade, as it does with regard to every other trade which would be for the benefit of the Dominion; but the matter has not yet been disposed of.

OTTAWA RIVER WORKS.

MOTION.

HON. MR. CLEMOW moved—

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House a statement showing total cost of construction of various works for the descent of timber and saw-logs on the Ottawa River and its tributaries, up to the 30th June last; also statement showing the yearly expenditure for the maintenance of the said works for five years preceding the 30th June last, under the different heads of re-construction, repairs, and cost of management, at each of the stations, with the names of river or tributary where the same was expended; likewise copies of any or all applications, whether from individuals or chartered companies, to acquire by purchase or otherwise all or any portion of said works and improvements on the said Ottawa River and tributaries thereof.

He said:—The information that I require by this motion is particularly requested at the present time, inasmuch as parties are now trying by legislation, to obtain possession of the works in question. I am desirous of having this full information placed in the hands of hon.

gentlemen in order that they may be in a position to arrive at a decision,at the proper time, whether it would be advisable or not for the Government to dispossess themselves of this valuable property. I believe those works in the past have cost the Government a very large sum of money; they have been very remunerative, and they are among the very few public works in the country that have been a source of revenue to the Dominion. My desire is that the Government should furnish this information as soon as possible in order that it may be down before the important measure I have referred to is up for discussion in the other House.

The motion was agreed to.

BILLS INTRODUCED.

Bill (44), "An Act respecting bonds on branch lines of the Canadian Pacific Railway."—(Mr. Scott.)

Bill (43), "An Act to amend the Act incorporating the Shushwap and Okanagan Railway Company."—(Mr. Macdonald.)

Bill (36), "An Act respecting the Grand Trunk Railway Company of Canada."—(Mr. Ferrier.)

Bill (35), "An Act to enable the Esquimault and Nanaimo Railway Company to run a ferry between Beecher Bay, in British Columbia, to a point on the Strait of Fuca, in the United States of America."—(Mr. Clemow.)

Bill (34), "An Act respecting the South Norfolk Railway Company."—(Mr. McCallum.)

Bill (33), "An Act to amend the Act incorporating the Hereford Branch Railway Company and to change the name of the Company to the Hereford Railway Company."—(Mr. Cochrane.)

Bill (37), "An Act respecting the Lake Nipissing and James' Bay Railway Company."—(Mr. Ogilvie.)

Bill (19), "An Act to incorporate the Collingwood and Bay of Quinte Railway Company."—(Mr. McCallum.)

Bill (17), "An Act respecting the River St. Clair Railway, Bridge and Tunnel Company."—(Mr. McCallum.)

Bill (14), "An Act to incorporate the Western Ontario Railway Company."—(Mr. McKindsey.)

SUB-MARINE TELEGRAPH BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (C), "An Act respecting the International Convention for the Preservation of Submarine Telegraph Cables."

In the Committee.

HON. MR. ABBOTT said—I had the honor of explaining the principles and cause of this Bill on its second reading, and we have now I presume to deal with its details. It is mainly based on the English Statute with regard to this convention, but in that Statute there are various provisions relating to procedure, the courts who shall take cognizance of, offences, and the like, which appeared to us to be beyond the limits of the jurisdction of the Dominion Parliament, and therefore those clauses have been struck out. This Bill defines, the offences and prescribes the punishment, bnt it leaves the law to take its course with regard to trying the offences and inflicting the punishments. I propose to submit to the House two small amendments in point of form. The language in the American Act differs from that in the English Act on the same subject, and I prefer the former. In the fourth clause of this Bill, a penalty is provided for "unlawfully and wilfully" injuring any submarine cable. The language in the American Act is "wilfully and wrongfully." I propose to adopt the expression used in the American Act. Then there is an offence which this clause does not seem to me to cover, that is, the wilful attempt to injure—which I find in the American act, and which I think should be in ours. I move that the 4th clause be amended in accordance with these suggestions.

The motion was agreed to.

On the 6th clause,

HON. MR. POWER — Under the third sub-section actions or prosecutions against persons violating the provisions of this Act must be commenced within twelve months after the act complained of. In view of the fact that those ships very often come within the jurisdiction of our courts for a short time and then go away and remain for several months at a time, the term seems to be too short.

HON. MR. ABBOTT—That is the time fixed by the other Acts. The extreme limit of time for the commencement of a penal action is retained. Usually it is six months, and this doubles it.

The clause was agreed to.

On the 10th section.

HON. MR. ABBOTT—This Bill creates offences which may be committed on the high seas, but does not speak of the limit of jurisdiction to which we are entitled. I think we have no jurisdiction on the high seas beyond our territorial limits. England I presume has certain pretensions as to her territorial limits on the high seas which we cannot claim in our colonial position, and nothing has been said in the English Statute as to this limit, but in the United States Act it is different. The language of that Act is to this effect—"Provided that in case such infraction is committed outside of the territorial limits of the United States the vessel, on board of which it has been committed is a vessel of the United States." I propose to add to the clause after the word "and" in the fourth line; "shall apply to all infractions of the terms thereof committed within the territorial waters of Canada." And I take it that we have no power to try an offence committed beyond our territorial waters.

HON. MR. POWER—Supposing the offence is committed by a Canadian vessel and she comes immediately afterwards into a Canadian port, surely there is jurisdiction in Canada to try that offence? As it is now other offences committed on board ship are tried in Canada. An English court would not have jurisdiction to reach the Canadian vessel in one of our ports. Our courts have ousted the jurisdiction of the English courts, and I do not see that there is any court but the Canadian court that could try such a case.

HON. MR. ABBOTT—It seems to me that it is impossible for one country to try a crime committed in another country unless it be under exceptional legislation combined with a treaty. I do not see how we could try an offence committed on the high seas here, because we have no jurisdiction beyond our own waters.

HON. MR. POWER—The English courts have held that they have jurisdiction except within their own territorial limits.

HON. MR. ABBOTT—But they hold that they have jurisdiction in British bottoms all over the ocean—that they have jurisdiction to try an offence committed on board a British ship anywhere, because it is regarded as British territory.

HON. MR. SCOTT—The same analogy extends to Canada. If a crime is committed on board a Canadian vessel in any part of the world, the party charged with the crime could be tried in Canada without any doubt. The language of the criminal law of Canada indicates that we have jurisdiction in such cases anywhere within the admiralty of England.

HON. MR ABBOTT—I am entirely unaware of any such law, and I question very much if my hon. friend's view of it is sound. However, if the House will pass this for the present, I will inquire into the matter before the Bill is read the third time; but my own opinion is that we cannot try an offence committed beyond our own territory.

HON. MR. DICKEY—I saw no objection to this clause as it stood, but with this amendment it will be objec

tionable. By the clause as it stood I have no doubt that an offence committed on a Canadian vessel was committed, as it were, by a legal fiction on Canadian soil, no matter where the vessel was, but my hon. friend's amendment would confine it to an offence within the territorial waters of the Dominion of Canada. It is quite clear that you are giving up the jurisdiction which you have as to an offence committed on the deck of a Canadian vessel in mid-ocean.

HON. MR. ABBOTT—I would like my hon. friend to tell me what he calls a Canadian vessel.

HON. MR. SCOTT—A vessel registered in Canada.

HON. MR. ABBOTT—No, a vessel registered in Canada is a British vessel. It does not appear to me that we have the status of a nation so as to be able to prescribe any mode by which a vessel becomes a Canadian vessel in the sense under discussion. It becomes a British vessel. Whether that is so or not is a question which I propose to look into before to-morrow.

HON. MR. POWER—If a vessel is registered in Canada and flies the Canadian flag, she is a Canadian vessel. If the hon. gentleman limits the operation of this Bill in the way his amendment proposes to do, it will be practically almost nugatory, because the interferences with those cables take place always nearly always outside of the territorial limits of Canada, and if this law is limited to interference which is taking place within the three miles limit, it will be, so far as Canadian vessels are concerned, almost useless.

HON. MR. ABBOTT—My hon. friend will see that is provided for by the laws of other nations. If the offence is committed beyond the territorial limits of Canada, it will be committed on the ship of some nation, and all the great commercial nations have passed laws similar to this. I have been looking into the subject of the registration of Canadian vessels and I do not find anything which enables us to have anything like a Canadian vessel in the sense referred to. However it is a very important question, and I shall have great pleasure in looking into it.

HON. MR. DICKEY—We are asked to give effect to what? To a convention agreed upon, amongst other powers, by Great Britain, and we are passing a law to give effect to the provisions of that convention. I admit that Canadian ships are British vessels in one sense. They have all the protection they are entitled to, and are subject to the jurisdiction and have all the powers given to British vessels by this legislation, but we are asked by this Bill to limit our jurisdiction.

HON. MR. ABBOTT—My hon. friend will see that the principle upon which we are legislating at all, is precisely in harmony with what I have stated. If the passing of a law in Great Britain enables Great Britain to punish an offence committed in this country, what is the use of our passing this law? If we can punish offences committed in British waters, there is no need for a British law.

HON. MR. ARCHIBALD from the Committee reported the Bill with amendments.

GAMING IN STOCKS BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (G), "An Act respecting Gaming in Stocks and Merchandise."

He said:—I was about to explain the object of this Bill and its terms, but my hon. friend from Montreal (Mr. Ogilvie) expresses a strong desire that the second reading should be posponed for a few days, and of course I should like to know what the sentiment of the House is on that question. I should like the Bill to go on, but I do not wish to act harshly and with too much precipitation.

HON. MR. OGILVIE—I will give a reason why I asked the leader of the House to allow this Bill to stand over for a few days—until next Tuesday. It

is not a very long delay, and it will take some time for those who are interested in the Bill to be prepared for it. This measure makes a more radical change that most of us are aware of. It certainly will not affect me, for I have never speculated in that way; but it will affect, if it passes in its present shape, not only those who are commonly designated as keeping bucket shops, but, if I am not much mistaken, it will most effectually kill nine-tenths of all the business of legitimate brokers, and it will have the effect certainly of stopping anything like either grain stocks, pork or anything of that kind which the people buy now not to have delivery. Many persons buy not to have the goods delivered immediately, but with the expectation of future delivery. I do not propose to occupy the time of the House in fighting this Bill at all; I simply want to afford an opportunity to those who are opposed to it to do it themselves. I have been asked by several parties, some of them the best business men in Montreal, to see if I could have the second reading of the Bill held over until next Tuesday, it will make such a radical change in stock broking, and if the House will kindly permit it, I shall feel extremely pleased for their sake. If the House does not see fit to do so, I have done my duty, and hon. gentlemen can go on and do as they please.

HON. MR. VIDAL—I think the wishes of my hon. friend can be met without postponing the second reading of the Bill. I suppose it is optional with the House to refer the Bill to the Committee on Banking and Commerce.

HON. MR. POWER—It is not customary to refer a Government Bill to the Banking and Commerce Committee.

HON. MR. VIDAL—Then I think my hon. friend's request should be complied with, because it is only through him or through some other member speaking in the House that objections against the Bill can be brought to the notice of Parliament.

HON. MR. DICKEY—I do not see that we need take any such course as that asked for in this matter. I understand that there is no objection to the principle of the Bill, and that is all we are dealing with at present. We might give the Bill the second reading now, and defer going into Committee, where those points are more particularly dealt with, to a future day.

HON. MR. OGILVIE.—I am perfectly satisfied with that course.

HON. MR. McINNES (B.C.)—While I am in full accord with the principle of the Bill, I think that if this measure passes in its present form it will interfere very materially with the legitimate business of the country. From a casual reading of the Bill, while coming down from Toronto to-day, it occurred to me as it seems to have occurred to the hon. gentleman from Montreal—that it will be making a monopoly of the stock exchange—that it is legislation in favor of capitalists who have any amount of money and credit with the banks, and will entirely crush out those operators with limited means although possessed of large experience and forethought. I agree with the hon. gentleman from Montreal that if the Bill passes in its present form, it will interfere with every legitimate stock business where the full amount of the transaction is not paid. Should any hon. gentleman in this House, see fit to buy a few shares of the Bank of Montreal stock, or the Canadian Pacific Railway stock, and only pay perhaps five or ten per cent. down, the balance to be paid at the end of the year, it would be a great hardship to be prevented from doing so, and I think it would be interfering with the enterprise and the business of the country if we should legislate to deprive any person of that privilege. I hope the Bill will be postponed until Tuesday next until we shall have an opportunity to look into it more fully: I certainly require to be convinced that it will not interfere with the legitimate business of the country before I support it.

HON. MR. ALEXANDER—I do not think that we are right in supposing that any Bill introduced by the leader of the House is certain to be adopted by the

House as it stands. All Bills brought into Parliament, are brought in for deliberation and for consideration. If there is any legislation required at this moment, it is just such a Bill as that just moved—calculated to prevent at least a portion of the panics in banking circles. Widespread ruin has arisen from this system of gambling in stocks. It is specially the duty of the Government to bring in such measures. The responsibility of such a course rests more upon the Government than upon private members. The Bill will be submitted to the House and then referred to Committee of the whole for consideration from day to day; and, with all respect for the views of my hon. friend from Montreal, I do not think the second reading should be postponed, though I believe he would not ask for the postponement of the Bill if he were not assured that there were strong objections to the measure. With all deference to my hon. friend, I hope the House will allow the leader of the Government to go on with the measure.

HON. MR. KAULBACH—I do not rise to discuss the Bill, because it seems that we are taking the measure out of the hands of the hon. gentleman who has charge of it in entering into a discussion on the principle of the measure before we hear it explained.

HON. MR. ABBOTT—I understand the question before the House is upon my hon. friend's request to postpone the second reading of the Bill until Tuesday next. If I had found that there was a prevalent wish to have it postponed I was prepared to meet it: but I see perfectly well that my hon. friend's wish can be met by taking the second reading now, and referring it to a committee of the whole at a later date, when gentlemen interested in the measure will be here from Montreal to defend their interests. I may say however, that this Bill has been published in extenso in every paper in Montreal, and every man interested in this trade has read every line of the measure. I have been interviewed by several persons who are engaged in this business in Montreal, and have discussed the matter with them, and I do not see any reason why we should postpone the Bill for a week in order that they may know something more about it. They are all fully informed on the subject. Before the adjournment of the House for the Easter holidays, I caused envelopes to be placed in the hands of the Clerk of the Records, with instructions that copies of the Bill were to be addressed to leading bankers and brokers in all the large cities and towns of the Dominion, which was done: and I am satisfied that they have not only seen the Bill as published in the papers; but many of them have received copies of the Bill addressed to themselves personally.

HON. MR. MILLER—I cannot see what objection there can be to the Bill taking its second reading at present.

HON. MR. ABBOTT—Although it is my object, and my duty to explain the purpose of this Bill, very little explanation will be needed. This question of gambling in stocks and merchandise has been ventilated by many of the Boards of Trade in the Dominion. The Board of Trade of Toronto has taken means to ascertain for itself the effects of the kind of trading establishments against which this Bill is directed—the effects upon business and upon the public morals of the people—and I have been furnished with extracts from the letters which it has received. I understand that at this moment, in this portion of Canada, there is scarcely a town or village in which there is not an institution established, which is called by different names by the promoters and supporters of it: it is called a trading agency, or brokerage establishment, and there are other names analogous to it.

HON. MR. ALEXANDER—Banking houses in some instances.

HON. MR. ABBOTT—Yes, banking houses. The business transacted by those places is simply this: a black board is put up in a room; a long table is placed in the middle of the room; a telegraph instrument—

HON. MR. SCOTT—A "ticker."

HON. MR. ABBOTT—Yes, a "ticker," it is called, is kept there; a boy writes up the quotations of some twenty or thirty different kinds of stocks on the blackboard, and people are encouraged to go into this place and bet small sums of money upon the rise or fall of those stocks. The process is carried out by the deposit of what is called "a margin" with the keeper of the place, and after that, in nine cases out of ten, as I understand, the stock unfortunately falls or rises—at all events, it moves in the wrong direction for the unfortunate speculator, and his margin is forfeited. I see by the reports to the Board of Trade that this species of gambling appears to have an irresistible fascination for those who indulge in it, and after a time they seem to be incapable of doing anything else. Even after having lost their last cent in this stock gambling, they still hang round the table and the ticker, and seem to be unable to attend to any legitimate business. This sort of gambling extends not only to shares and stocks, but to speculations in wheat, cotton, pork, and other produce. The broker will sell any amount of wheat, from ten bushels to 10,000 to any man who is foolish enough to become a purchaser, and deposit the margin. He will sell any number of shares in a joint stock or other company on the same conditions. The pernicious effects of this kind of gambling have developed themselves to a most astounding degree. I will not venture to detain the House by reading the letters I have received from every quarter of the Dominion, relating most affecting and painful instances in the various places where these bucket shops have been established, of ruin and distress of the deepest and severest kind brought into families, mostly of the middle or lower classes. Artisans, mechanics, men with small fixed incomes, have been enticed into those places; and it is stated, and I believe it to be true as I have evidence offered me which satisfies me as to the truth of it, that the people who are at the back of this bucket shop business actually send agents to the various small towns and villages in the Dominion to ascertain how far they can go with such, and such a man, so that they may know when they have drained the last dollar from him, and may close him up and turn him upon the streets. That is, I believe, fact, without any exaggeration; and it applies to many small towns in the provinces. This evil has attracted the attention of public men, it has been animadverted upon very generally in the press of the country; and the evil has reached such proportions that it has become absolutely necessary to do something to check it. It is in endeavoring to arrest this evil that we are supposed to be likely to tread upon the toes of persons legitimately employed in the brokerage business. The real difficulty in preparing a measure of this description has been to draw a line of distinction between the transactions which are carried on in the legitimate business of a broker, and the transactions which are carried on in the way I have mentioned in those bucket shops. It is not alone in Canada that this distinction has been sought for; it has been enquired into and received the same solution in the United States where this species of gambling is very prevalent. In some places it is dealt with very simply under the local laws. In New York, for instance, the police walk into these places; treat them as common gambling houses, and break them up under the ordinary laws of the State. In other places they have not been able to dispose of them in the same manner, unfortunately, and, consequently, certain laws have been passed in some of the States with regard to them, one or two of which I hold in my hand. The distinction which I understand is a true one between bucket shops' transactions and legitimate brokerage business is, as stated to me by a leading New York broker who wrote me, without any previous communication from myself, to tell me what they thought of the bucket shops there; what evils they were creating in that country; and the steps that were being taken there to break them up. In writing to me he tells me what he thinks is the distinction, and it seems to me to be a reasonable one, and I observe it is the distinction which has been adopted in the States of Ohio and Illinois. He says:—

"I am glad to see that you have taken the

matter of "bucket shops" in hand. Do you clearly understand *our* mode of doing business? We members of the New York Stock Exchange who do business on margin, receive the certificate for the stock we buy, every share, and pay for it in full. For instance, we buy 100 Western Union Telegraph stock at 80; we receive the certificate, which we may put in our name if we please, and pay $8,000 in money for it, if it is bought on margin say of $1,000—for a customer we advance the other $7,000. This is always done in transactions on the New York Stock Exchange. In "bucket-shops" it is never done. They pretend to buy of the customer, and sell to him, so to make what the customer loses, and of course it is their interest to have the customer lose. Any legislation to suppress "bucket-shops" will not, I presume, hurt the legitimate dealings in stocks, whether for speculation, temporary or permanent investment, as practiced in the New York Stock Exchange. I have been a member here 22 years, and think perhaps I am a judge, but the facilities for gambling which these shops offer to everybody, clerk or otherwise, who can furnish $5, is worse than faro gambling."

Then he speaks of something which he saw in Montreal which, unfortunately, is too true; but I do not wish to go in to it as I do not desire to be personal. The distinction which this gentleman draws, and which is to be found in the Acts of the States of Illinois and Ohio, is, that in one case the purchase is made with the intention of carrying it out as a *bona fide* transaction, the seller to make delivery. In the other case, there is no intention of making a *bona fide* purchase or sale. The transaction is simply a wager with the bucket shop keeper that certain stocks will rise or fall beyond a certain point. The bucket shop keeper is personally interested that the opposite state, of things from that which the customer desires should take place. And it is asserted, and I have no doubt is true, that there are very simple processes well known to the men who manage such institutions, by which they can make the customer lose his money, whether the market turns in his favor or not. The quotations are, in most instances, entirely fictitious. They are made more by conjecture than by actual knowledge of the markets. In some places these brokers make so much money and are so wealthy that they can afford to have a private wire for themselves, which they can use entirely for their own purposes; but in many instances there are no communications whatever with the centres of information. They act very much on the same principle as the broker's clock face in a house of a somewhat similar kind lately broken up in Montreal—where the hands were supposed to indicate the changes in the prices of certain stocks—and enough dupes were found to make wagers upon the movements of the hands to enable the proprietors to drive a thriving business till the police intervened. But those bucket-shops are more cunningly managed; they are managed so as to give the appearance of actual legitimate transactions, and the papers which the customers are induced to sign, and the keepers sign themselves, as "bought and sold notes," are prepared with reference to the precise distinction I have named—that there is a *bona fide* intention to sell, a *bona fide* intention to buy, and a *bona fide* intention to make delivery. They actually state on the face of them, what is not stated on the face of the notes of *bona fide* transactions between legitimate brokers and their customers, that it is the intention of the buyer to take the stock, and to accept delivery, which would be quite unnecessary in a *bona fide* transaction. It is an illustration of the phrase, *qui s'excuse, s'accuse*, and they only do it from the consciousness that there is no such intention either to make delivery, or to take delivery, and that they violate the law in some degree. And they adopt this device to try to evade the provisions of the law, and convert that into a legitimate transaction which they think can be enforced, which is obviously a mere gambling operation, recognizable by no court. It is unnecessary for me to dilate upon the evil consequences of this species of gambling. This Bill, even if it were passed in its present shape, having been very carefully studied, I think is not very far wrong. It would not prevent such transactions as the hon. gentleman from British Columbia has mentioned just now. Far from it; it would not deal with it or touch it in any shape whatever. I have letters before me in which I am told that this Bill will destroy the possibility of gentlemen investing money in American stocks

through Canadian brokers. I may say that these are simply statements promulgated by persons who desire to continue the present state of things, and to induce hon. gentlemen to oppose the Bill; whereas, when the hon. gentleman reads the Bill carefully, he will see that there is no foundation for the statement made to him that there is anything in this Bill which will in any degree affect fair and honest brokerage transactions. There is nothing in this Bill which will prevent any man from buying any number of shares he likes, or any number of bushels of wheat he likes, on margin, with the intention of completing the transaction, and the required element of the intention to deliver seems to me to constitute a satisfactory distinction, judging by the definition which the gentleman from New York, whose letter I have read, has given us, and I have the same opinion from brokers in Montreal. Where stock is ordered to be bought on margin, the broker buys the stock, he receives the margin, and either advances the balance himself, or pledges the stock for the balance due. So there is an actual sale and purchase entirely carried out, and the stock is in the hands for a time and afterwards is under the control, of the broker who, under our law, is the agent of the purchaser. I call the attention of the House, therefore, to the only real difficulty in this legislation, the difficulty of establishing a clear line of distinction between the transactions that we wish to destroy, and transactions some of which we may not think altogether prudent, but which we do not purpose to legislate against, and it is probably upon that distinction that the discussion will turn when we come to take up the Bill in detail before a committee of the whole House. With these remarks I move the second reading of the Bill.

HON. MR. MCINNES (B. C.) — I would like to ask the leader of the House if this Bill is intended to apply exclusively to bucket shops, and not to private transactions in dealing with stocks?

HON. MR. ABBOTT—My hon. friend will perceive that the preamble of the Bill expressly declares that it is enacted for the purpose of putting a stop to this bucket shop business, and I may tell my hon. friend that the preamble simply legislates against these transactions which are made under the pretense of being purchases and sales, and altogether avoids touching anything which is a *bona fide* purchase and sale.

HON. MR. MCINNES (B. C.)—Such being the case I am perfectly satisfied with the Bill. I may say that I have no information from any person to lead me to believe that this Bill would interfere with any private transaction, independent of those bucket shops; and it was merely from reading the Bill on my way from Toronto that I placed the construction on it which I mentioned a moment ago.

HON. MR. ALEXANDER — The leader of the House has made such a clear and lucid statement respecting the objects of the Bill that I do not feel it necessary to add one word to his able explanation. But I may be permitted to quote some incidents which have happened within my own knowledge in the country and in Toronto strengthening, to the satisfaction of the House, all his arguments. I would first speak of a country town which I shall not name in which a private banker went on for two or three years inducing poor people, viz: ladies with small capital, aged people, servants and other persons of very limited means, to place in his hands money to the extent of $80,000, promising to assure them 7 per cent. interest. The body of that private banker was found one morning soon after the dawn of day with all his clothing on, even his boots and gloves. He had evidently committed suicide, and lamentable to be told of those who placed confidence in him, many lost their all, some were reduced to want, while others were brought to straitened circumstances. I will now speak of Toronto, called "Toronto, the Good." I had occasion sometime ago to invest $5,000 in loan society stocks, and having confidence in an old acquaintance whom I knew intimately, as a stock broker; I mailed to him a

cheque for nearly $5,000 for that purpose. I waited patiently for some days, surprised that I had no reply from him, when a rumor reached me that he had been experimenting in some of the bucket-shops of that good city. I thereupon took the first express train to Toronto and found he had not yet made any investment. I thereupon demanded of him to hand me back the money, which seemed to embarrass him. He began by promising that he would restore it to me on the following Monday. This scarcely satisfied me. I told him I must have the amount within an hour; and after many threatenings he went to a certain prominent bank and obtained by some means the amount he had to return to me. A few days after that his firm failed without any assets, and if I had not acted with firmness, I should have lost the whole of the money. Hon. gentlemen may laugh, but if any one of you had lost any forenoon such an amount through the gambling spirit of a stock broker, you would find it no laughing matter. A prominent dignatary of the Church observed to me, when I related this incident to him, that while there were many upright merchants in Toronto, the public sentiment in regard to such failures and dishonorable conduct was lamentable. I am not sure that he did not use the word rotten. I could relate twenty such incidents, but forbear from wearying the House, and I only desire to add that if the leader of the House were to pass no other Bill through his own influence and effort this session, he would be entitled to the deep gratitude of the country. I trust that the House will earnestly and unitedly support this Bill in such a shape as the Committee of the Whole approves.

HON. MR. O'DONOHOE — As to the principle of the Bill itself, I do not suppose there will be any question, but there seems to be a very large scope given to the language of the measure. The Bill goes to the extent of condemning anyone who enters into a transaction "with the intent to make gain or profit by the rise or fall in price of any stock of any incorporated or unincorporated company or undertaking, either in Canada or elsewhere, nor of any goods, wares or merchandise, makes or signs, or authorises to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of any such shares of stock, goods, wares or merchandise.

Now, how are the bona fides of a purchase of "goods, wares and merchandise" to be ascertained? Every man who buys merchandise does so with the hope of realizing a profit on it, and in all markets of the world goods are bought without any immediate delivery. They are bought even before they are manufactured, bought by sample and in a thousand ways. Even crops are purchased while they are growing to be thereafter delivered according to contract. Supposing one of the parties to a contract like this sets up as a defence for violating it that there was no *bona fides* in the transaction, how is the intent of the parties to be discovered? As regards bucket shops, brokerage and that sort of thing, I appreciate the difficulty of drawing a line, but it would be very dangerous to extend the operation of the Bill as far as this clause goes. I should like to hear an explanation of this now, or at a future stage of the Bill. I am afraid that if the Bill is passed in its present shape it will complicate mercantile transactions, not only in this country but with every country with which Canada has dealings.

HON. MR. KAULBACH—The principle of this Bill is to avoid purely gambling transactions where there is no intention to buy or sell or that goods should pass, whether merchandise or anything else. The object is to prevent gambling.

HON. MR. O'DONOHOE — How would my hon. friend test the *bona fides* of the transaction?

HON. MR. MILLER—By evidence.

HON. MR. KAULBACH—It rests with the parties themselves. They must show the *bona fide* character of the transaction.

HON. MR. ABBOTT—I quite appreciate my hon. friend's objection, but I think on a scrutiny of the Bill and consideration of the facts he will perceive

that there is really no foundation for it. The reason why the words, "goods, wares, or merchandise" are used is that in reality a large part of these bucket-shops' dealings are in goods—wheat, cotton, pork, &c. They make these the objects of their gambling operations to as great an extent as stocks. The *bona fides* of a transaction is easily tested. It is simply a question of evidence. If, as my hon. friend suggests, a person were to order goods in England, he would probably send an order for them and if he went before a court or jury and said, "I have no intention to order goods," he would be laughed out of court, because his order would show that it was a *bona fide* transaction. If it were not for the fact that this gambling is largely carried on by means of pretended transactions in goods, it would be better to do as my hon. friend says, confine it altogether to stocks. In other words, if the gambling were confined to stocks, it would not be necessary to extend it to "goods, wares and merchandise," but unless it is extended to merchandise, these men would simply shut off the quotations of stocks, and confine their operations to pork, grain, cotton, and the like.

The motion was agreed to and the Bill was read the second time.

SECOND READINGS.

Bill (8) "An Act to incoporate the Canada and Michigan Tunnel Company." (Mr. Casgrain.)

Bill (9) "An Act respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company." (Mr. McCallum.)

Bill (18) "An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company." (Mr. Vidal.)

The Senate adjourned at 10.25 p.m.

THE SENATE.

Ottawa, Thursday, April 5th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

MONTREAL HARBOR IMPROVEMENTS.

MOTION.

HON. MR. OGILVIE moved—

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will be pleased to cause to be laid before the House, copies of all petitions, correspondence and other documents in the possession of the Government respecting the Channel debt, and the improvement of the Harbor of Montreal, from the first day of January, eighteen hundred and eighty (1880), to the present time.

The motion was agreed to.

The Senate adjourned at 3:30 p.m.

THE SENATE.

Ottawa, Friday, April 6th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported without amendment the following Bills, which were then read the third time and passed :

Bill (8) "An Act to incorporate the Canada and Michigan Tunnel Company." (Mr. Flint.)

Bill (9) "An Act respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company." (Mr. McCallum.)

Bill (18) "An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company." (Mr. Ferrier.)

BELLEVILLE AND NIPISSING RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (E), "An Act to incorporate the Belleville and Lake Nipissing Railway Company" with an amendment."

He said—As Chairman of the Committee, it is my duty to explain that the amendment is a mere verbal one. It is to strike out certain words giving power to this Company to carry their line to some point in the Province of Quebec. That was the result of an error of some person in preparing the Bill. The object of the Company is not to go to the Province of Quebec, but to go to some point on the Canadian Pacific Railway, and it read as though the line would go to some point on the Canadian Pacific Railway in the Province of Quebec. With the assent of the promoters of the Bill these words were struck out, and the Bill as amended gives them power to go to some point on the Canadian Pacific Railway at Lake Nipissing or somewhere in the vicinity.

HON. MR. FLINT moved that the amendments be concurred in.

The motion was agreed to.

HON. MR. FLINT moved that the Bill be now read the third time.

HON. MR. DICKEY—This is the first Bill that has been sent up to us from the House of Commons framed upon the model Bill which was prepared and approved of in that House in the last days of the last session. I trust I may be permitted to make a remark, not as affecting the passage of the Bill, but in reference to the improved position in which this Bill and others which follow have placed the passing of Bills before the Railway Committee, and before this House. Those of us who have had the privilege of being here during the last decade will not fail to recollect the numerous amendments which it became the duty of the Railway Committee to make with reference to Bills coming from the House of Commons; and I may say that those efforts made from time to time, were made very much to our inconvenience, too often perhaps were received—I will not say with obloquy, but with a certain amount of mild chaffing with reference to our efforts to have the "T's" properly crossed, the "I's" properly dotted, and the grammar of the various Bills improved. But, hon. gentlemen, we have survived all that. We went on with our efforts to get, if possible, uniformity in our legislation—brevity, clearness, and especially uniformity. We continued our efforts from day to day, in consequence of those Bills coming back to us repeatedly, session after session, in the same objectionable form, requiring these same amendments. This thing went on from year to year. Finally, I placed myself, at the desire of the Committee, in communication with the Chairman of the Railway Committee of the other House, and we at last got the House to agree to several of these clauses, to make them uniform. We went on patiently, step by step, until at last we had the satisfaction of bringing the Committee of the House of Commons into harmony with ours on the subject; the result was a report of that Committee, and an order of the House made upon that report, giving effect to what is called the model Bill. This Bill is applicable to all cases in which railway legislation is required, except under special and exceptional circumstances; and I need hardly say to the House that the effect of the passage of that Bill will be an infinite relief to the Railway Committee and to this House. I mention it as a matter of congratulation to the Senate and to the committee of which, during that time, I happened to be chairman. Without saying anything further, or taking credit to ourselves for anything more than simply having discharged our duty, I congratulate the House on having passed this first measure framed after the model Bill that has been presented to us.

HON. MR. ABBOTT—I would like to say a word in confirmation of what my hon. friend from Amherst has stated. The absence of a model bill has been

the cause of innumerable difficulties and an immense amount of labor in the committees of this House, and in the committees of the other House in which I had more experience; and the project of proposing and preparing and using a bill containing model clauses which shall be adopted as a basis of every railway charter, has been strongly advocated by myself as well as my hon. friend; and I am very glad to see that our efforts, more especially his efforts and the efforts of the chairman of the Railway Committee in the other House, have been successful. This model Bill will diminish the labour of the Committee one-half, and tend to secure better and more uniform legislation for Railway Companies.

HON. MR. MCKINDSEY—I would like the hon. geutleman from Amherst to say which Bill has been adopted as the model Bill?

HON. MR. POWER—The Bill which the hon. gentleman who has just sat down, introduced last session.

The motion was agreed to and the Bill was read the third time as amended and passed.

RESOURCES OF THE GREAT MACKENZIE BASIN.

SECOND REPORT OF THE COMMITTEE.

HON. MR. SCHULTZ, from the Committee appointed to inquire into the Resources of the Great Mackenzie Basin, presented their second Report and moved and that the same be taken into consideration on Tuesday next.

HON. MR. MILLER—Is there any reason why the Report should not be adopted now?

HON. MR. ABBOTT—It may be a question for consideration whether it is necessary to put those questious, whieh I notice are very numerous, on the Minutes. There is no objection to the substantial request being acceded to, but I observe that the questions are voluminous, and I think it is a subject for consideration whether they should appear in the minutes.

HON. MR. SCHULTZ—I may explain that our object in getting these upon the Journals of the House is to have them translated into French. It would facilitate the objects of our inquiry if these questions were to appear in the minutes.

The motion was agreed to.

PRIVATE BILLS.

MOTION.

HON. MR. GOWAN, from the Committee on Standing Orders and Private Bills, presented their twelfth report, recommending that the time fixed for receiving Private Bills, which expired yesterday, be extended to the 27th inst. He moved that the Report be adopted.

The motion was agreed to.

ASSAULTS WITH INTENT TO ROB.

INQUIRY.

HON. MR. ALEXANDER inquired

"Whether the Government intends, during the present session, to make the laws more stringent to punish assaults with intent to rob."

He said—With the permission of the House I desire to make a very brief explanation. It is assuredly cause for general congratulations that this House has for its leader a gentleman whose bearing at all times makes the impress that he is ready and anxious to right every wrong, that he is desirous to frame the laws of the Dominion so as to check crime, whether in high or low quarters, and that he is peculiarly qualified from his legal and parliamentary experience to shape the laws of the Dominion to secure such a laudable object. Assaults with intent to rob, we all regret to say, have been within the last twelve months of too frequent occurrence in one of our Canadian cities, Toronto. At certain times such assaults have been so frequent as to create a general feeling of alarm

Under the administration of the late Mayor Howland, Toronto was declared to be the best governed city in the Dominion and I myself am proud to bear my own testimony, humble and insufficient as it may be, to the fact that that city has merchants of the highest standing, of the highest moral integrity, and from their standing and integrity would grace any city in the world. Will the House permit me to relate some incidents which have appeared in the public journals and which have led me to make this inquiry? I will first refer to a case which occurred on Jarvis street, one of the finest streets in the city. The son of an alderman, or councillor, proceeding home from his place of business one evening at seven or eight o'clock was, what is called sandbagged, knocked down by two tramps near the residence of the late Sheriff Jarvis, and robbed of his watch and money on his person. Then I come to the Crombie case. A gentleman well known as a prominent barrister in Toronto returning home from his office along a street on which there is a line of street cars, at seven o'clock in the evening, was shamefully stunned in Beverley street by two wicked men. They knocked him down and took his watch and money from him. Then I come to the Macdonald Church case. An agriculturist, or some stranger from the country, residing at a boarding house near the Queen's hotel, went to St. Andrew's Church one Sunday evening and returning home, only a short distance from the Queen's Hotel, was stunned and robbed of everything he had on his person. I come to the Parkdale case, a case of horror and one involved in mistery. An insurance broker, living in that beautiful suburb of Toronto, left his family one night to proceed to Parkdale junction station on urgent business. He told his wife and family that he would return in an hour. Next morning his body was found lifeless between his house and the Parkdale station, and to this day the mystery of his death has never been solved, whether it was a case of suicide or murder. I come now to that dreadful case which bears testimony to the lunacy of the poor creature who could possibly have committed such a crime. I allude to the case of a young man of promise in a respectable cigar shop who while standing behind the counter at nine or ten o'clock in the morning had vitriol thrown in his face to destoy his eyes. I come next to the Wallace Nesbitt case. The gentleman is well known to myself. His lady is the widow of the son of our late lamented speaker. He was awakened about two o'clock in the morning by a noise in his house. He immediately rushed to the top of the staircase, and two shots were fired at him. Fortunately, the balls missed him. On descending the stairs, he found his silver plate in a bag ready to be carried off. Then, again, there was a highly-honored clergyman, of either the Baptist or Methodist church, who, with his wife, left their home, locking all the doors carefully, to attend at his church. When they returned home, his house had been broken into and the valuables removed. I do not infer from all this that Toronto is a bad city, or that its population is not perhaps better than most of other cities, but there are so many tramps in Toronto, whether they have come from New York, Boston, London or Paris, who should be brought to punishment, and the hon. leader of the House, when he hears this statement, will, I am sure feel it incumbent upon him to take steps to ascertain whether these statements are correct, and with his legal and parliamentary experience will frame laws to prevent such a frequent recurrence of these crimes. It has been observed, that there is some similarity of instinct between those who are guilty of such crime and the uncrupulous presidents and cashiers of banks who take the money of poor shareholders. Both wear the same brazen face; they are not given to change color when caught in their crimes. When we have caught such a man he will stoutly charge you with malignity and slander. He thinks he can brazen it out until you succeed in placing the irons on his wrists. Now it has been suggested, and I thoroughly concur in the opinion, that if in addition to confinement in the Central prison the lash were severely used upon men who could for the sake of a gold watch or a small sum of money endanger the life of

an unsuspecting citizen, leaving perhaps a wife and family without their protector. Such a penalty would I am sure have a wholesome effect in checking these outrages. I hope the leader of the House with his ability and experience will devise an effectual method of checking such growing crime.

HON. MR. ABBOTT—Up to the time of my hon. friend's notice, the Government had not taken into consideration the propriety of introducing any legislation during the present session for the purpose indicated by the question. It has not been satisfied that there is any abnormal prevalence of this particular offence in any part of Canada, but after the remarks which I have heard from my hon. friend I can promise him that inquiry will be made, and any srep that may be thought necessary by the exigency of any occasion which may present itself, will be taken.

HON. MR. POWER—I think the hon. gentleman who called attention to this matter has omitted the most shocking of all the recent cases that have come to our notice—that is the case of Mr. Eyvel, who died in consequence of injuries he received from foot-pads on his way home from business.

HON. MR. ABBOTT—Was that in Toronto?

HON. MR. POWER—Yes, in Toronto. I do not know whether the provisions of the Criminal Law are sufficient to meet such cases as they ought to be met; but if they are, then I think a very serious responsibility rests upon the police officers of Toronto who did not carry out the law as it should be carried out.

HON. MR. MACDONALD (Toronto)—I exceedingly regret that the hon. gentleman, from Woodstock in making this enquiry, should have found it necessary to make special reference to the City of Toronto. I have too much respect for the time of this hon. House to obtrude upon it matters entirely foreign to the duties which lie before it, but I assert here most positively that there are no circumstances in Toronto calling for special legislation, in connection with crime other than those which exist in all large cities where masses of people are congregated together. I regret also that the hon. gentleman should have found it necessary to have attacked, even by inference, the gentleman who presides as the Chief Magistrate now over the affairs of the city of Toronto. We all know how efficiently municipal matters were conducted during the period of office of the late Mayor; but it is quite unfair to say, even inferentially, that the affairs of the city are now in the hands of a gentleman under whom such characters will obtain an amount of license that they have not had hitherto, for I have every reason to believe that the duties of his office will be discharged by him efficiently, and in the best interests of the city. I think it a pity that such remarks should go out to the damage, even by inference, of anybody, and I think it my duty to rise in my place and make the statement I now make.

BANK FRAUDS.

ENQUIRY.

HON. MR. ALEXANDER rose to enquire whether the Government intend during the present session, to introduce legislation with reference to the Banks for the purpose of preventing the recurrence of frauds.

He observed:—The House will permit me to explain my reasons for putting this enquiry. Parliament will require to deal at once with a more dangerous class of criminals than tramps. If it is a serious matter to be stunned in the streets by a tramp and robbed of a gold watch, it is surely a still more serious matter to find some morning on taking up the daily journal, that a banking institution in which you have placed perhaps your all, has been secretly and criminally plundered by the directors or cashier of such institution. I regret to be obliged upon this occasion to refer to the sad history of the Central Bank at Toronto, some of the managers of which have, by their criminal acts, cast a cloud over the fair name of that city, with all its upright and enterprising merchants,

and as a whole it has been generally allowed to be one of the most beautiful and prosperous cities in the Dominion. So many poor families have been brought to want and ruin by such wicked men that I should ill discharge my duty in Parliament, if while my health permits, I failed to call the attention of the Government and Parliament to this sad state of things. To see men elected by poor shareholders from a feeling of confidence in their social position,—and not unfrequently from the fact that such directors wore the garb of sanctity while holding high social position and occupying costly mansions—bring misery and want upon such classes of respected citizens, may well arouse widespread indignation, and justify Parliament in framing the banking laws to mete out proper retribution to such men.

In the Central Bank matter it is now too late to reach them, they went off by express midnight trains—one to Cleveland, another to Chicago, and a third to some southern city. They have thus escaped the just punishment which such conduct ought to bring upon them, having produced so much misery and distress in quarters where they are unable to recover from their losses. Those cold, selfish, unscrupulous men manifest all the instincts of the dangerous tramp,—brazen-faced, with no feeling for their fellow-men,—care not what widespread desolation they may produce, generally well-clothed, conceited, even arogant,—ready to charge any man as guilty of malignity and slander who would charge them with such improper conduct. Such men may continue to live in fine mansions at the top of society because they wear the mask of religion and observe very strictly the common proprieties of life, and even the world as constituted in a colony, is too much inclined to condone crime and say "we ought to forgive them." But I ask this hon. House how can such men, knowing that they alone with others, have selfishly been instrumental in causing so much unhappiness and suffering, approach life's last scene on this earth without anguish of mind, which must hasten their end, and make their last hours upon earth dreadful to contemplate? And I would further ask the House what comfort can the money thus surreptitiously and feloniously taken from confiding shareholders, be to any man? Why, hon. gentlemen, it can only prove a curse to them. My object in making those remarks here upon the floor of Parliament is to prevent other men feloniously inclined pursuing such a course, and to warn them that men who follow such a course can never afterwards have a moment's peace of mind. How sad to think that while our country is distinguished for the enterprise and uprightness of its people generally, every now and then we find cropping to the surface two or three individuals—perhaps at the top of society—so selfish, so depraved, so wanting in Christian sympathy for the poor, for the old, for children, and other innocent victims, that they appear like the pestilence or the blizzard, scattering misery and suffering. We may well, all of us, pray to God on our bended knees that their repentance may be something more than a sham. If by fraudulent means they have retained large property, they should at least try to make restitution to those they have injured.

How very sad to behold the Protestant churches, and the well-meaning ministers of such Protestant churches, taking no notice of such dreadful crime. As if it did not concern them! As if the duty imposed upon them by their Maker in their holy calling did not require them to call public attention to such crime! I, myself, as a humble member of the Senate, have again and again asked them in writing. Is it seemly to place at the head of Christian institutions men connected with such dreadful crime? If such men were members of the Church of Rome, the Archbishop of that church in Toronto would summon them to his presence — would insist upon them making restitution of the money feloniously taken from the poor. I would ask the question: Is the Church of Rome or those Protestant churches best fulfilling the purposes of their sacred mission?

Having fully expressed my views I will now in conclusion make a suggestion to the Government as to the manner of dealing with such criminals. The remedy which I would recommend may be considered a novel and rather startling

one, it is this: that the laws should be improved to enable the courts to have upon some suitable occasion a public execution in front of the City Hall in Toronto of eight such criminals, say, four of the worst description of tramps, such as the vitriol thrower, and say, four guilty bank directors not omitting the two prominent men who inspired the burning the books of one of the old banks of Upper Canada, whose evil example has led to much of the present excesses. If I have wearied this House too frequently, referring to such crimes, it is because I have been deeply impressed of my duty to God and man. I regarded my health as being again restored to me to make one more effort to stop crime in high quarters, and because I have, according to the best judgment which God has given me renewed the subject I have been threatened that I shall be criminally indicted if I do not cease to touch this subject. The persons who sent to me this friendly advice can scarcely know the sterling purity of the bench in all our courts or the sterling honesty of the men who constitute the juries of the courts.

HON. MR. ABBOTT—The bank charters expire in 1891 and it is the intention of the Government to introduce legislation with reference to them at an early date, before the expiry of those charters; and they further intend to have an exhaustive enquiry into the whole banking system before they introduce that legislation, and it will no doubt comprehend that subject to which my hon. friend has called attention.

HON. MR. FLINT—I am very sorry that my hon. friend from Woodstock should have attacked the Protestant Ministers of Toronto in the way he has done. I do not think they deserve it, and I think he ought to be ashamed of himself for having done anything of the kind. He has said a great many words, in my opinion, without much meaning to them. If he has suffered by banks and other wise, it is his own business and not ours. He should do as I would do, and as I have always done—instead of putting money into the banks and endeavoring to draw dividends on it, if he had invested it in enterprises that assist in making a country of Canada it would have been far better, and he would not be here to-day complaining so much about his losses. I am sorry that the hon. gentleman takes every opportunity he can to give a sly cut at some persons whom he feels desirous of injuring.

BRANCH LINES OF THE CANADIAN PACIFIC RAILWAY COMPANY BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (44) "An Act respecting bonds on branch lines of the Canadian Pacific Railway Company."

He said:—This Bill consists of a single clause. It proposes to give to this railway company authority to issue bonds or debenture stock to the amount of $30,000 per mile, in lieu of $20,000, the usual sum, on that portion of the projected line between Sudbury and Clarmont, for the reason that the line is exceptionally difficult to build.

The motion was agreed to, and the Bill was read the second time.

SHUSWAP AND OKANAGON RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MACDONALD (B.C.) moved the second reading of Bill (43) "An Act to amend the Act incorporating the Shuswap and Okanagon Railway Company."

He said:—This is a Bill to extend the time for the commencement and completion of this railway, and to take power to issue a larger amount of bonds per mile for the railway.

The motion was agreed to and the Bill was read the second time.

GRANK TRUNK RAILWAY COMPANY'S BILL.

SECOND READING

HON. MR. VIDAL—(In the absence

of Mr. Ferrier) moved the second reading of Bill (36) "An Act respecting the Grand Trunk Railway Company of Canada." He said:—I may briefly explain that the purport of the Bill is to be found in a few lines at the head of the preamble. It is to enable the Company to consolidate, arrange and increase the capital, and for other purposes. The several clauses relating to the issue of debentures and the consolidation of their capital contain, I think, nothing objectionable. They will be carefully examined by the committee to whom the Bill will be referred. The other clauses extend their superannuation and provident fund scheme to all branches of the system under Grand Trunk management. The next clause is to authorize the construction of a line of single or double line of rails from Glencoe to Sarnia. Another clause is to give the Company permission to own and run steamships to carry passengers. The last clause is that which guards the interests of shareholders generally with reference to the increasing of their debt and consolidating their debentures and issuing debentures that it shall not go into effect until approved by a two-thirds majority of the votes present and represented by proxy, at a general meeting, in this way making very ample provision that the rights of shareholders will be protected.

The motion was agreed to and the Bill was read the second time.

ESQIMUALT AND NANAIMO RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. CLEMOW moved the 2nd reading of Bill (35) "An Act to enable the Esquimalt and Nanaimo Railway Company to run a ferry between Beecher Bay in British Columbia, to a point on the Straits of Fuca within the United States of America."

He said—The preamble of the Bill explains the object of it, and as there are no exceptional conditions attached to it there will be no objection to its 2nd reading

The motion was agreed to and the Bill was read the 2nd time.

SOUTH NORFOLK RAILWAY COMPANY BILL.

SECOND READING.

HON. MR. MCCALLUM moved the second reading of Bill (34) "An Act respecting the South Norfolk Railway Company."

He said—This Company simply ask for power to amalgamate or make running arrangements with the Grand Trunk, Georgian Bay & Lake Erie Railway.

The motion was agreed to and the Bill was read the second time.

HEREFORD RAILWAY COMPANY BILL.

SECOND READING.

HON. MR. STEVENS (in the absence of Mr. Cochrane) moved the second reading of Bill (33), "An Act to amend the Act incorporating the Hereford Branch Railway Company, and to change the name of the Company to the Hereford Railway Company.

The motion was agreed to and the Bill was read the second time.

LAKE NIPISSING & JAMES BAY RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. TURNER moved the second reading of Bill (37), "An Act respecting the Lake Nipissing and James Bay Railway Company."

He said—This Bill merely asks for an extension of time. The railway runs from North Bay, on the Canadian Pacific Railway to James Bay. Up to this time there was no use in going on with the work. Now I am happy to say that they have engineers out making a survey from North Bay to James Bay, and all the company ask is that the time for building the road should be extended.

The motion was agreed to, and the Bill was read the second time.

COLLINGWOOD AND BAY OF Q UINTE RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MCCALLUM moved the second reading of Bill (19) "An Act to incorporate the Collingwood and Bay of Quinte Railway Company."

He said—This company ask for power to build a railway from Collingwood on the Georgian Bay to a point on the Bay of Quinte in or near the town of Trenton, in the County of Northumberland, or in or near the City of Belleville, in the County of Hastings.

The motion was agreed to, and the Bill was read a second time.

RIVER ST. CLAIR RAILWAY BRIDGE AND TUNNEL COMPANY BILL.

SECOND READING.

HON. MR. MCCALLUM moved the second reading of Bill (17) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company."

He said: This company asks for power to build a tunnel and to extend the time for building it under the river St. Clair. As it does not interfere in any way with any other work there will be no objection to the second reading.

The motion was agreed to and the Bill was read the second time.

ONTARIO CENTRAL RAILWAY COMPANY BILL.

SECOND READING.

HON. MR. MCKINDSEY moved the second reading of Bill (14) "An Act to incorporate the Ontario Central Railway Company." He said: This Bill is for the purpose of building a railway from Port Hope through several important and well settled counties in Ontario to the southern coast of Lake Huron at a point called Inverhuron. There are no special clauses in this Bill. It has been drafted from the model Bill which has been referred to here to-day, and I assume there will be no objection to this measure.

The motion was agreed to, and the Bill was read the second time.

GAMING IN STOCKS AND MERCHANDISE BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (G), "An Act respecting gaming in stocks and merchandise."

In the Committee,

HON. MR. ABBOTT—This Bill has passed its second reading after discussion, and I fancy the House is fully seized of its object and purpose. We have now merely to consider the details of it.

HON. MR. POWER—I would call attention to the fact that the hon. gentleman from Alma division, who seemed to have a special interest in this Bill, is not in his place

HON. MR. ABBOTT — Before my hon. friend left for Montreal I asked him if he had any special objection to make to the Bill when it was being considered in Committee, and he said he had not.

On clause 1, sub-section 2,

HON. MR. POWER—Asked if that sub-section applied to a clerk in the office.

HON. MR. ABBOTT—I dare say it is not intended to apply to the clerk, but I am not at all certain that it ought not to apply. This is the form that is usually adopted in all cases where frequenting any improper place is made an offence, and there is never any exception made in favor of a person who is employed there.

The clause was agreed to.

On clause 2,

HON. MR. POWER—I do not rise for the purpose of making any objection to this clause, but if there is any danger of the Bill being abused, I think it would arise under this clause; which provides that the burden of proof of the *bona fide* intention to acquire or to sell such shares, goods, wares or merchandise, and to deliver or to receive delivery of the same, as the case may be, shall rest upon the person charged with an offence under the Act. I may not apprehend the intention correctly, but as I understand it any one who buys stocks or merchandise might be called upon to prove the *bona fides* of his intention or otherwise be liable to the penalties that are imposed by this Act.

HON. MR. MILLER—My hon. friend will see that it refers "to any such contract or agreement of sale or purchase."

HON. MR. POWER—It clearly applies to an ordinary transaction in the way of purchase of stock, and it throws upon the party who is concerned in it the onus of proving the *bona fides* of his intention to receive the articles.

HON. MR. MILLER—So it ought.

HON. MR. POWER—It occurs to me that this might occasion difficulties to persons who are carrying on legitimate business.

HON. MR. SCOTT—I think not. If my hon. friend will read the clause carefully he will find it is in respect of a purchase or sale, or pretended purchase or sale of articles of which no delivery is to be made. The party laying information under this Act would have to establish a *prima facie* case, and having established a *prima facie* case against the accused, it would be for the party charged to prove that this is a *bona fide* transaction. The whole case lies with him to show that it is a contract based on an intention to complete it, and not a mere speculation under the Act.

HON. MR. ABBOTT—My hon. friend will perceive that it is really the most difficult point in the Act, and it has received quite as much consideration as it is possible to give it. It is to some degree an exception to the general rule of evidence, but there is just the difficulty pointed out by the hon. gentleman from Ottawa. If the broker pretends he bought or sold stock, he alone knows from whom he bought or to whom he sold, and therefore it is perfectly easy for him, if it be a *bona fide* transaction to show it, and it is perfectly impossible for a prosecutor to do more than make out a *prima facie* case on a contract of this description. It seems to me that there can be really no injury done, and practically no inconvenience caused to anybody entering into a legitimate transaction, because it is not to be assumed that people engaged in their ordinary legitimate business would be assailed under an Act of this kind which is obviously directed at a particular class of trading institutions. It is for that cause the words "bucket shops" was introduced into the preamble. Considering the difficulties of making out a case in such transactions as are here comtemplated and considering the improbability of a person entering into legitimate transactions ever being called upon to show the *bona fides* of them, it would emasculate the Bill to a very great degree, if this clause were not adopted as it stands.

HON. MR. DICKEY—I am inclined to think that this enactment is in line with the general principles of the criminal law. An act is proved against a person which, *prima facie*, indicates his guilt, and it is for him to prove that his motive was good and not criminal. If this clause were not worded as it is, we would have the anomaly of obliging the prosecutor, whether the Crown or an individual, to prove a negative. That is a principle not admitted in any other part of our criminal code. No injustice is done when a person is charged with carrying on an unlawful business, as the knowledge of his *bona fides* rests entirely with himself. It can hardly be called a grievance to require him to show his innocence.

HON. MR. KAULBACH—To my mind you could not, in any other way,

reach the transactions at which this Bill is aimed. Without this provision the Bill would be simply inoperative. You must throw the onus of proof of innocence on the accused party.

HON. MR. POWER—As I explained, I did not rise for the purpose of opposing the clause, and I am quite aware that the draftsman of the Bill was placed in a peculiarly difficult position; because, I presume, without such a clause as this one which is before the Committee now, the Bill if it became law, would be almost inoperative. At the same time, I do not agree with the hon. member from Amherst in saying that we are only applying a general principle of the criminal law. The general principle may be that when a *prima facie* case has been made out, the accused is obliged to produce evidence that he was not guilty of a criminal act. But that is not this case. The making and signing of these contracts is a work that is continually going on in the stock markets of every large city, and the act in itself is *prima facie* an innocent one. My hon. friend from Amherst must see that the case is not the same as the one which he puts. There is just the argument of the hon. leader of the House, that no one would be likely to set this Bill in operation against a respectable broker or a man engaged in legitimate business. Still if there is any way of preventing an abuse of the Act, that way should be taken. I cannot suggest such a way myself, and I suppose if the hon. gentleman, who knows more about this matter than I do and who has given the subject a great deal of attention, is unable to devise a way, we will have to take the clause as it is.

HON. MR. ABBOTT—I think it will be better to take the Bill as it is. Since it has been circulated through the country I have received letters from New York, Montreal and Toronto, all approving of the measure.

HON. MR. GOWAN—It is not an unknown principle in criminal jurisprudence to cast the burden of proof on a person accused, where the circumstances are likely to be known to him only. I cannot recall at this moment any particular illustration of the principle, but I know that it is not uncommon to require the accused person to explain away the apparent criminality of an act. It is, I think, a very reasonable position and I quite agree with the hon. member from Lunenburg that the Bill would be completely valueless without this provision.

HON. MR. DICKEY—I would like to mention a case, which is not an uncommon one, of a person being found in a building where he has no business.

HON. MR. POWER—Where he has no business?

HON. MR. DICKEY—He is presumably there for an unlawful purpose, but he is at liberty to show, and he is called upon to show, why he was there. He is the only person who can prove it.

HON. MR. McCLELAN, from the Committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

RESOURCES OF THE GREAT MACKENZIE BASIN.

FIRST REPORT OF THE COMMITTE ADOPTED.

HON. MR. SCHULTZ moved the adoption of the first report of the Select Committee appointed to inquire as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky Mountains and west of the Hudson Bay, comprising the Great Mackenzie Basin—its extent of navigable rivers, lakes and sea coast, of agricultural and pastoral lands, its fisheries, forests and mines.

HON. MR. BELLEROSE—I see that this Report contains a recommendation that a special clerk be appointed for the Committee. I believe that is right, but there will be many witnesses examined, some of whom may be unable to speak the English language. There is only one member of the Committee who understands French, and it seems to me

that the Committee will require a translator. If the proceedings should be in English, the French members of this House may not have an opportunity of learning what is reported. It is necessary, therefore, to have somebody to translate the evidence from one language into the other. It would be only right to empower the Committee to employ another clerk who could do their translating and help in the other work of the Committee. I would ask the Chairman of the Committee if it would not be advisable to amend their report in that direction.

HON. MR. SCHULTZ—In a matter of this kind the Committee will be guided by the direction of the House. It would be very necessary to have the evidence printed in both languages: still, it is with some hesitation that we have asked even for the appointment of one extra clerk.

HON. MR. ABBOTT—With regard to the report of the Committee, I have had some discussion with the Chairman who has explained the necessity for additional assistance. The Committee have practically made up their minds that with a little assistance from the members of the Committee who understand both languages, the difficulty, if there be any, of understanding what the witnesses say would be easily got over. I think there is not a gentleman on the Committee who does not understand both languages, and if there be one his neighbor at the table may explain to him what has been said. I deprecate, and I hope this House will join me in deprecating, the expenditure of any more money from the contingencies of this House than is absolutely necessary. I think from the conversation I have had with the Chairman and members of the Committee that we can dispense with any further expense on this Committee than the nomination of another clerk. My hon. friend from Winnipeg has convinced me that we should have the privilege of doing what this report recommends, namely engaging an assistant clerk for the remainder of the sittings of the Committee—about 30 days at an expense of $3 per day. On that understanding there would be no objection to the Report being adopted, but I trust that it will not be found necessary to go to further expense. I remember on a Committee that we had in another place on the subject of the North West rebellion, Mr. Blake and I personally wrote down the minutes of the Committee, turn about, for a number of days, because we were unwilling to put the House to the expense which would be necessary to employ clerks to do that work. I have no doubt whatever that on this Committee there will be no difficulty in getting over any little trouble that may arise from the two languages.

HON. MR. BELLEROSE—No doubt if the work can be done there is no necessity to expend money, but I do not see with the Committee sitting every day, that a translation can be made. The ordinary translators might do it if they had time. At all events we have a right to ask that those reports be furnished in the two languages. The Committee do not merely ask for permission to have a special clerk, appointed, but they name the gentleman. I would ask the chairman of the Committee whether that gentleman is conversant with both languages?

HON. MR. SCHULTZ—I regret to say that he is not—that is only recommendation for the position is that he is from the North-West, that he intimately understands the subjects that come under discussion, and will be of material assistance to us when we come to make our final report. He has the additional advantage of being a stenographer and type-writer. I quite understand and sympathise with my hon. friend in this matter, because I have heard that one of the French translators is sick. If that is the case, and the French translation of the House is delayed, they cannot keep up with the drift of evidence that is taken, and I trust, in view of the illness of one of the translators, that somebody else will be appointed in his place until he recovers.

HON. MR. BELLEROSE—At all events this difficulty will occur: later

on, probably, the report of the Committee will come before the House and, before it is concurred in, we will ask that a translation of the report be made. We have a right to that and we will ask for it; if the hon. gentleman believes that the whole thing can be done during the session I have to submit to that.

HON. MR. POWER—While I have not any very strong objection to adopting the report of this Committee I do not see the necessity for it; and I hope that the hon. gentleman from Winnipeg will not think that I say so with any desire to belittle his efforts to get valuable information before the country. Information has already been elicited by the Committee to show that the Mackenzie River Basin, including the Peace river country, is very fertile and valuable and that it will at some future time support a large agricultural population. I think some evidence has been given to show that it possesses some further sources of wealth besides its agricultural capabilities, but I think that is enough. I do not see why we should go on now to spend more money for the purpose of obtaining further information: what I desire is to see the vast territory which has already been opened up by the Canadian Pacific Railway and the branch lines in the North-West fairly well peopled. Our object should be to get a respectable population into Manitoba and the organized territories west of that Province; and I deprecate the expenditure of any considerable sum of money with a view to getting details as to the capabilities of the country to the north of these territories. When we have filled up the country which is now lying there ready for settlement, and needing only settlers to give us some return for our vast expenditures upon it, then it will be time enough to expend considerable sums of money with a view to finding room for other settlers in the more remote region which comes under the cognizance of this Committee. That is the way I feel on this subject. No doubt the information which has been collected is valuable as information; but I do not see that there is any practical end to be gained just now by spending any more money in getting further detailed information. Let us try to get the country that we have already organized respectably peopled and then let us go on further. I hope it will not be a great many years before we are called upon to go on, but we are not called on now. I should not feel very much objection to the course we have adopted, if I did not feel that we are likely to be asked next session, as a consequence of the inquiry that is now being made, to vote money for railways or other public works in this very country, and I think that is something which should be deprecated in the present conditions of things. As to the point raised by the hon. member from Delanaudiere I think it is well taken. As I understand it, the official translators of the House have enough to do just now with their own regular business; and I do not think that it would be quite fair to impose upon them the additional duty of translating the voluminous evidence which is to be taken before this Committee. Inasmuch as the Committee sits every day, and evidence is taken for at least an hour, and sometimes two hours at a time, I think that the proper translation of that evidence will give a clerk enough to do, and I do not think that we have any right to expect the official translators of the House to do the work. If it is a desirable thing that this report should be adopted and this evidence should be taken down and printed, then I think it is desirable, as French is an official language as well as English, that some person should be provided to make the translations from English into French.

HON. MR. KAULBACH—I do not agree with my hon. friend. I do not often agree with him. I believe that the money expended in this matter is of small importance compared with the value of the information we will receive from this Committee. A Committee of a similar character was appointed last year, which gave to this House and to the people a mass of information, which I believe has done a great deal of good in showing to the world the greatness of our country and the variety of its resources. Any further information that can be gathered on the subject I am

sure will be gladly received by the public. Every true Canadian has a pride in Canada, in its vast extent and its inexhaustible resources. From what we know already, we are inclined to find out more about our country. If the information obtained should be of such a character as to induce capitalists to ask this House to sanction the building of a railway into that country next year, I say for that, if for no other reason, the committee should proceed with its inquiry and collect all the information it can. My hon. friend seems to fear that we may learn too much about the vast resources, great wealth, and variety of elements which are combined in that country to make it great and glorious; he fears the result it may have, that Canada will be better known abroad, better respected, and that we will have greater pride in the advancement and development of our country. Therefore my hon. friend feels inclined to have this vast section of the Dominion kept in the background. There was a time when we knew very little of that country, when it was only a preserve for hunters of fur-bearing animals. We have spent a large amount of money to open up that part of Canada, and I am sure that every man who feels an interest in his country and knows anything of its vast resources will be inclined to get all the information he can about such an important section of the Dominion, and we can get it with so little cost through the energy of the Chairman of the Committee and the members of the Committee, the hon. gentleman from Halifax ill requites their industry when he endeavors to curtail information acquired at so little expense.

Hon. Mr. POWER—If money is so abundant the hon. gentleman should endeavor to secure the construction of a railway into his own county, a work which has been so long looked for and so much needed.

Hon. Mr. KAULBACH—We are getting it.

Hon. Mr. MACDONALD (B. C.)—This is a busy part of the session, and all the permanent clerks are fully employed. That is why we have come with this small request, which I am sure the House will readily grant. The hon. gentleman from Halifax is always pessimistic. The other day he did not want steamers which would sail at a certain speed—they were too fast, in his opinion. He has been opposed to every single improvement which involved any expenditure. If this country were left to the management of gentlemen like him, where would we be to-day? We would be confined to a small circle about some city like Halifax, and the great part of the country would remain a wilderness.

Hon. Mr. ABBOTT—I should be sorry if the House would regard with indifference the work which the hon. member from Manitoba is doing. I think it is of very considerable importance indeed. It is possible that it may not be regarded as of immediate necessity, and that might bear on the question of translation, but it is an important work, and the House must desire to see it efficiently carried out. At the same time, that is not inconsistent with a desire to do the work as economically as possible. The Committee come to the House and ask for this clerk; the Government think the request is not unreasonable, and I think the majority of the House are disposed to grant it. With reference to the suggestions that are made, outside of the report of the Committee, I do not know that it is necessary to discuss them at any length, but I wish it understood that the Government are as anxious and determined that justice shall be done to the French population as any hon. gentlemen speaking that language, and in this instance it is not desired to oppose a full comprehension of everything brought before this Committee by every gentleman, whether he speaks the English language or not, but I am not satisfied that the necessity for additional assistance in that respect is needed. I agree with my hon. friend behind me that a certain object must be attained, but I am not at all satisfied that we have not the means of attaining it at present. It may not be attained as speedily as if we had a larger staff of translators, but that it will be attained I am satisfied. I understand there are already four French

translators on the staff of this House. Their names have been given me. But it is urged by my hon. friends and I have heard it elsewhere, that one of these translators is unfortunately ill. If the staff of translators is insufficient, of course a remedy must be applied, but that remedy is not one which should be suggested from this Committee : it must come before us in another form. When the question of the sufficiency of the translating staff comes before us in a proper form, the Government will be prepared to sustain the position that there shall be a sufficient staff and we will see that there is an adequate staff of translators.

HON. MR. BELLEROSE—If I understand anything about logical argument the hon. member from Lunenburg and the hon member from Victoria furnished the strongest reasons to show that the hon. member from Halifax is right. If it is so important that the resources of the Mackenzie Basin be made known as widely as possible, that it is clear that not only the English version, but the French version also should be distributed widely.

HON. MR. KAULBACH—Hear, hear.

HON. MR. BELLEROSE—Then the hon. gentleman from Halifax was right.

HON. MR. MACDONALD (B. C.)—We did not oppose that.

HON. MR. BELLEROSE—The hon. member from Halifax said that he did not see the necessity of going any further with the Committee because enough is already known of the North-West to show that it is an important section of the Dominion, and with that knowledge we may go on with the work of colonization. He goes further and says that he sees no reason why those who speak the French language should not have the same advantage as those who speak the English language. That is logic and common sense. In reply to the hon. leader of the House I may say that if his only argument is that the immediate translation of the report is unnecessary, I agree with him, because I am in favor of economy, but if he desires to practice economy let us have economy in every direction. There is a great deal of the public money spent every day not merely for things which are of no practical utility, but even for purposes which are actually mischievous, and I do not see why there should be an objection to spending a few dollars to do justice to the French population of the Dominion. I could show in a few minutes where money is expended for purposes much less useful and important than paying for this translation ; but if, as the leader of the House says, the Government will see that we have fair play—and I have never asked for anything more—I am satified. If we get fair play I shall rejoice very much.

HON. MR. MACDONALD (B.C.)—The hon. gentleman from Delanaudiere is mistaken as to the opinions of the members on this side of the House. We do not oppose the appointment of a French clerk, we simply have not asked for it. The report asks for the appointment of a clerk now, and hereafter another one may be asked for if necessary.

The motion was agreed to.

The Senate adjourned at 5.10 p.m.

THE SENATE.

Ottawa Monday, 9th April, 1888.

The SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

AN EXPLANATION.

HON. MR. ALEXANDER—Before the Orders of the day are called, the House will permit me, respectfully, to make an explanation. It appears that in the remarks which I had the honor to make to this House on Friday, I must have expressed myself so indistinctly that I was misunderstood. The House will

kindly allow me to explain wherein I was misunderstood. From age my hearing has become impaired and I could not hear the remarks which subsequently fell from the hon. Senator from Toronto, and my hon. friend behind me (Mr. Flint). The hon. gentleman from Toronto, (Mr. Macdonald) whom we all highly esteem because his whole life has been characterized by acts of Christian goodness must have misunderstood me, because in the course of his remarks as published in the official report, he is made to say that he regrets that I should have found it necessary to attack, even by inference, the gentleman who presides as chief magistrate of the affairs of the City of Toronto.

Now, whatever my remarks may have been, I never intended in any way to impugn the administration of ex-mayor Howland, whom I have known since his childhood. No mayor has ever made a greater sacrifice for the interests of Toronto than ex-Mayor Howland. No man has shown sounder judgment, in trying to correct the moral, the social, and the criminal evils that may exist.

With regard to the city of Toronto: I have lived in that city for a large part of my life, and I think it will be in the remembrance of this House that I bore testimony in my remarks to the honesty and integrity of all classes generally; but I was met yesterday morning by two leading correspondents of the press who just come down from Toronto who charged me with abusing the ex-mayor and the city It is too ridiculous after my speech which you all heard. I have only to name Mr. Langmuir, Mr. Macdonald, of the Confederation Life, the President and Secretary of the Dominion Bank—and a hundred others I could name,who are not surpassed in any part of the world in integrity and in the confidence that is placed in them, and for the admirable management they have displayed in their several capacities as business men.

Now with regard to the hon. gentleman from Belleville, he has expressed his sorrow that the hon. gentleman from Woodstock should have attacked the Protestant Ministers of Toronto. No man would dare to attack the Protestant clergy of Toronto unless he had certain reasons. I may err in judgment; I may have erroneous views on matters, and I have very often been called all sorts of names because as an independent member of this House, I take an independent course; but when I see the Protestant clergy of that city, a body of men like Dr. Potts, Rev. Hugh Johnston, the Rev. Mr. Macdonell of the Presbyterian Church and other Rev. gentlemen who are equalled, certainly unsurpassed in any part of the Dominion for their piety and their uprightness in the discharge of their duty as Ministers of Christ—when I see these men quietly acquiesce in putting at the top of their religious institutions, men whom I know have been deeply guilty of wrong doing, what am I to say ? I have appealed to them by letter, and through the press, and when I have done so without success, can the country be surprised when I express on the floor of Parliament the only means I have of expressing it, my regret that men whom I honor and esteem as ministers of the Protestant churches—should place at the head of such religious institutions men full of supercillious vanity and wrong doing.

SUBMARINE CABLES BILL.

THIRD READING.

The order of the day having been called for the consideration of amendment in Committee of the Whole House to Bill (C), "An Act respecting the International Convention for the preservation of submarine telegraph cables."

Hon. Mr. ABBOTT said—As I proposed when this amendment was carried by this House in Committee, I have gone very carefully again over the law, and the authority with reference to the modification which I then suggested, although I certainly did not venture to propose such an amendment to the House without having first examined the question, and satisfied myself to such an extent that I should not have had any doubt in my mind, if a doubt had not been raised, by the remarks of gentlemen for whom I have such respect as my hon. friends opposite; and after further

consideration of the matter, and consultation with my colleague the Minister of Justice, I am satisfied that the amendment is strictly in accordance with the law, and in accordance with the constitutional principles which govern the jurisdiction of this country. The fact is, that the jurisdiction of any country over the sea extends only so far as it can protect itself upon the sea; and that is supposed to extend to a cannon shot from the shores, which has been conveniently fixed at a marine league. To that extent every nation controls as a part of its territory, the sea which forms its border, but not one jot beyond that extent, except in so far as its own ships may be by a fiction of law considered part of its territory. These are the two limits of its jurisdiction of a nation—a marine mile from the shore, and its ships, registered according to its laws, and forming by a legal fiction an extension of its jurisdiction over the sea. That is the principle which is established by the clause in the United States Act, based upon this same convention; and that Act contains the limitation of jurisdiction which I moved to insert, and which was inserted, by this House in Committe to the 10th clause of this Act, viz.: that the Act shall apply to all infractions of its terms which are committed within its territorial waters or upon the ships which belong to it—ships having its national character. The latter part of that I omitted from the 10th clause, because this country has no ships of its own with a national character, which entitles it to a jurisdiction upon the sea. Upon looking closely to what has been done in this direction by this country, I find we have a law which provides for preserving discipline on board ships owned and registered in Canada, but beyond that it does not go; and so far was that considered to go that the Act was reserved for Imperial assent when it was passed, and finally received it, after the discussion of the possibility of Canada legislating beyond its own boundaries. It was considered that the Act reached the extreme limit to which such legislation should go, and as it applied solely to the maintenance of discipline on Canadian ships, it was sanctioned, and is now the law of the country. We are not without some authentic declaration of the extent of our jurisdiction in this country, in the shape of statutes which have been passed. I did not catch the citation of my hon. friend from Ottawa the other night. He read an extract from an Act on the subject, but I did not hear citation of the one he mentioned. I think he said it was the criminal law. I find in two Acts passed in 1868 an attempt to exercise jurisdiction for Canada beyond its own limits. The first is the 31st Vic., cap. 69, which deals with the treasonable compassing of Her Majesty's death or injury. The second clause provides, "whosoever within Canada or without, etc.," commits such an offence shall be punished. I do no not know if that was one of the clauses to which my hon. friend referred.

HON. MR. SCOTT—No.

HON. MR. ABBOTT—There is another Act of the same year, cap. 72, which makes provisions extending beyond the country. In the 8th section of that Act, provisions are made respecting any offence which has been wholly committed in Canada, or committed on the sea and completed on the land, or committed on the land and completed at sea, whether within Her Majesty's dominions or without, or partly within Her Majesty's dominions and partly without: I should like to ask my hon. friend if that is the section he read the other night?

HON. MR. SCOTT—I am looking it up.

HON. MR. ABBOTT—In these two cases Parliament did legislate for offences committed beyond its territorial jurisdiction—offences committed either altogether beyond Canada or partly within and partly without Canada. Now the error which prompted such legislation as that was very soon discovered, for in the following year the Act 32 and 33 Vic. cap. 17, was passed, repealing the portions of those Acts which applied to offences committed beyond the limits of Canada. So that in these two attempts to legislate for offences

committed outside of Canada, the mistake of Parliament was discovered and remedied in the following year.

HON. MR. SCOTT—Read 32 and 33 Vic. cap. 29, section 106; and then again there is the other clause which I read the other day, which provides for the trial of anyone who feloniously strikes or poisons a person in Canada and the person dies beyond the limits of Canada, he can be tried in Canada.

HON. MR. ABBOTT—My hon. friend will see that the first clause to which he refers does not say where the trial shall take place. It does not say that the offence shall be tried in Canada, and if it were committed beyond the limits of Canada it cannot be tried by a Canadian court unless under the jurisdiction of an Imperial Statute. What has led to a confusion of ideas on this subject has been the fact that by Imperial Statutes provision has been made for trying offences committed on board British ships on the high seas—for the trial of such offences in the colonies; and it is under such provision of the Imperial Act, that offences of that kind are tried here, and not under any provision of our law at all. My hon. friend will find that that is correct. But I do not wish to impose upon my hon. friend or on this House my views on the question of this description. I am perfectly content to leave the decision of that question to the Courts when it arises, and therefore, although I do not desire that I should be thought to participate in any doubt as to the limits of our jurisdiction—for I do not, as I am perfectly satisfied on the subject—at the same time I cannot ask that my hon. friends shall be so thoroughly convinced as I am, by anything I might say on this or any other question. I therefore propose to modify this amendment so as to leave it to the courts to decide what is the jurisdiction of Canada. That will leave the further discussion of these points unnecessary at present; and I have only so far discussed them to show that I did not venture to bring an amendment of this description before the House, without having first convinced myself that I was correctly describing the jurisdiction of Canada. I promised to look into the matter; I have done so, and I am now thoroughly and absolutely convicted, notwithstanding the strong impression made on my mind by hon. friends opposite, that the amendment before the House is a correct description. But I am prepared and propose to modify the amendment to read "and shall apply to all infractions of the terms thereof, committed within the jurisdiction of the Dominion of Canada, whether on land or at sea."

HON. MR. DICKEY—I am very glad indeed that my hon. friend has taken time to consider this matter, because the amendment which he suggests to a very large extent removes the objections which lay in my own mind, and probably in the minds of other gentlemen who followed me and took the same view substantially as I do of this subject; but I would beg to remind my hon. friend, when he tells us that the jurisdiction of the courts of this country only extends to the limits of the territory of the country, that we are now discussing a bill to give effect to a convention agreed upon between the great powers of the earth. I make use of that expression because the heading of this convention does include all the great powers of Europe and America. In that convention it is stated distinctly as the object to which it shall apply (I read now from the first article of the convention which is in the schedule of this Bill) that—

> "The present Convention applies to outside territorial water, to all legally established submarine cables landed on the territories, colonies or possessions of one or more of the high contracting parties."

Obviously that was just what we would expect to find in the Convention, because we have already on our Statute books enactments for the protection of cables, to prevent them being interfered with inside of the three-mile limit, which, as my hon. friend has very properly said, comes within the territorial limits of this country. But it was thought necessary to have something more than that, and therefore it is stated in the forefront of the Convention that it is intended to apply to offences committed on submarine cables at the bottom of the ocean lying outside of the territorial limits of

this country. The amendment made to a large extent removes the objection, because it brings within the scope of this Act all acts committed at any point within the jurisdiction of the courts of this country. But my hon. friend is not quite right in saying that we have repealed certain Acts and that Parliament has recognised the fact that we have no jurisdiction over any act committed outside the country. In our revised Statutes the Act which has been read has been re-enacted. The clause which my hon. friend read the other day has been re-enacted, and it is not in so narrow a scope as the leader of the House seems to suppose. Section 8 of chapter 174, Revised Statutes, 74 provides, "Whether any offence punishable by the law of Canada has been committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried and determined in the same manner as any offence committed within the jurisdiction of any court before which the offender is brought for trial." It is stated distinctly that it is to be tried in the same manner as if it were an offence which occured within the three mile limit. Then there is another clause which has not yet been adverted to, which makes it still more clear. I refer to clause 9, which enacts as follows :—

"When any person, being feloniously stricken, poisoned or otherwise hurt upon the sea, or at any place out of Canada, dies of such stroke, poisoning or hurt in Canada, or being feloniously stricken, poisoned or otherwise hurt at any place in Canada, dies of such stroke, poisoning or hurt, upon the sea, or at any place out of Canada, every offence committed in respect of any such case, whether the same amounts to murder or manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined and punished in the district, county or place in Canada in which such death, stroke, poisoning or hurt happens, in the same manner, in all respects, as if such offence had been wholly committed in that district, county or place."

Now that point is I think perfectly clear. I had no doubt about it before and therefore I ask what is the use of giving up this jurisdiction and saying by this amendment, as it at first said, that it should only apply in cases where the crime is committed within the territorial limits of Canada? We have, then, the point established beyond all question : we have legislation on our Statute Book by the latest enactment in the Revised Statutes, specific cases in which crimes committed at sea or beyond the limits of Canada any where are punished in Canada. If a vessel comes into Canada and the act is consumated here, or if the party dies out of Canada and the person committing the crime comes to Canada he is tried in the courts as if he committed the crime in the territorial limits of Canada. Under these circumstances, my hon. friend will see that the position he took on the former occasion cannot be sustained, and I am very glad indeed that he has taken this mode of dealing with it, because it may help us to get out of the difficulty that apparently we were in before. That difficulty was just this : we have laws on our Statute Book at present meeting the very case to which this exception is intended to refer in the amendment made—meeting all cases of crime committed within the territorial limits of Canada within the three mile limit. We had that already and we did not require any enactment to give us that provided by our Statute is not so severe, jurisdiction. To be sure the punishment provided by our Statute is not so severe, but it is only in the degree of punishment that they differ, because when this Bill was amended according to the suggestion made the other day, we had laws already on the Statute Book that punished those crimes. Speaking of this convention, there is another curious thing : Article 81 is as follows :—

"The tribunals competent to take cognizance of infractions of the present convention are those of the country to which the vessel on board of which the offence was committed belongs."

In taking objection to this amendment the other day, I was careful to apply it in that way, and to say that we had jurisdiction over offences committed on board of vessels belonging to this country. It appears that the convention runs in the same lines, because it applies wholly to those cases, and it allows of the trial by tribunals in any of the countries of which this convention forms a part. There is another curious thing

about it. There is an additional article which appears to have been thought of after the convention had been all agreed upon. It is the article on page 8 of this Bill, and is headed "Additional Article." It is as follows :—

The stipulations of the Convention concluded under to-day's date for the protection of sub-marine cables shall be applicable in conformity with Article I, to the colonies and possessions of Her Britannic Majesty, with the exception of those hereinafter mentioned, namely : Canada, Newfoundland, The Cape, Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, New Zealand.

Provided always, that the stipulations of the said Convention shall be applicable to any of the above named colonies or possessions, on whose behalf notice to that effect shall have been given by Her Britannic Majesty's representatives at Paris to the French Minister for Foreign Affairs.

Each of the above named colonies or possessions which may have acceded to the said Convention shall be at liberty to withdraw from it in the same manner as the powers, parties to it. In the event of any of the said colonies or possessions desiring to withdraw from the Convention, a notification to that effect shall be made by Her Britannic Majesty's representative at Paris to the French Minister for Foreign Affairs.

Now the object of this legislation is to enable Her Majesty's Ministers to give notice to the Minister of Foreign Affairs of France of Canadian legislation to the same effect as that of the great powers in connection with this subject, so that the position of Canada as a quasi independent country has been recognized by this convention itself, and my hon. friend in submitting this Bill has logically carried out that, because he says it is necessary for Canada to legislate. He is quite right : it is necessary for this Parliament to legislate on the subject to carry out the object of the convention. That object I hope will be accomplished by the amendment which my hon. friend has made to-day. I am very glad indeed to see that the amendment is made, because without this qualification we should be in the absurd position of saying that we enacting a law to give effect to this convention, the very first article of which says it is intended to apply to offences outside of the territorial jurisdiction of Canada, in other words on the high seas, and we should after passing the Bill, qualify the tenth clause snd apply it only to offences committed within the territorial limits of Canada.

HON. MR. ABBOTT — Territorial waters.

HON. MR. DICKEY—We are saved from being placed in that anomolous position, and it is fortunate that time was taken to consider the question, and that the objection has been to such a degree met. I do not say it could not be met in another way, but I am quite prepared to accede to the suggestion which has been made, and allow it to be qualified still further by the addition which my hon. friend proposes to make, that it shall be applied to offences considered to be committed outside of the territorial jurisdiction of Canada.

HON. MR. POWER—I should like to ask the Minister whether he does not think the amendment might be improved by a very slight change in the wording. The jurisdiction of the Dominion of Canada might be construed to end with the three mile limit from the shore, but I think, if, instead of saying, "the jurisdiction of Canada," the amendment were to say, "the jurisdiction of any court in the Dominion of Canada," it would get over any difficulty that might arise in connection with that matter. I do not think, for instance, that offences under section 8, read by the hon. gentleman who has just sat down, giving jurisdiction to our courts over offences committed within the jurisdiction of the Admiralty of England, would be held to be committed within the jurisdiction of Canada. The offences referred to by this convention ought to be placed in the same position as other offences committed under our criminal law. I think the words that I have suggested would probably carry out the intention of the measure better than the words that the hon. leader of the House suggested. I was looking a few minutes ago at a report of a case tried in England of larceny on a vessel lying in a Dutch harbour, and the English court held that they had jurisdiction to deal with that matter. There is no doubt of the jurisdiction of the Admiralty in all waters wherever a British vessel may be.

HON. MR. ABBOTT—I have no objection to making the change suggested by my hon. friend from Halifax: it has always been my principle in legislating, where an amendment was asked for, which did not alter the intention of the Bill, to accede to it at once. Therefore I have no objection to change these words as suggested, so that the Bill will read, "within the jurisdiction of any Court in Canada." My hon. friend from Amherst is not content to allow the amendment to pass without insisting that it was from a consciousness that the first amendment was wrong that the present alteration of it is now offered. I would like to suggest to him whether in his opinion the constitution of Canada can be altered by the terms of a convention entered into, even by all the great nations of the world? The theory which my hon. friend propounds is this, not that without this convention we should have a right to make a law applying to acts committed on the high seas, but that because this convention applies to acts committed on the high seas, we thereby acquire a right to make a law which will apply to such acts. My hon. friend reads in support of his argument the first clause of the convention, and from that he argues that we must have a right to legislate for offences committed on the high seas. I maintain that that is a proposition entirely unfounded in constitutional law. No convention can alter the constitution of a country, especially a definite and written one, as our is. No convention can change the jurisdiction of the courts of a country as defined by its constitution. Therefore these high contracting parties agreeing that the convention shall apply to acts committed on the high sea, does not in any degree authorize the Dominion of Canada to pass a law creating crimes, which without that convention it could not have passed. It is impossible to maintain such a proposition for a single moment. I will not dwell further on the subject than to remark that my hon. friend also says that the jurisdiction of a country extends beyond its limits in certain cases, and he quotes the case of a crime commenced in one country and completed in another; and he argues from the fact that we have a law on our Statute Book respecting such crimes, that we have a right to punish a crime committed entirely beyond our limits. That is a clear *non sequitur*. My hon. friend cited, in support of his argument, the case of a person struck or poisoned outside of Canada and afterward dying in Canada, or a person struck or otherwise fatally injured in Canada and afterwards dying beyond the limits of this country to prove that we could make a law here to-day to punish offences committed entirely beyond the limits of Canada. Surely my hon. friend is not prepared to sustain that proposition when it is put plainly, and separated from the oratorical way in which he stated it. I would remind him that it is a principle of international law, which is recognized not only in our country, but in every other civilized country, that a crime partially committed in one country and completed in another, is triable by the law of that one of those countries in which the criminal is found. It requiries something more than a mere theory to support a proposition of that kind, and I think all countries have maintained that principle of International law. My hon. friend will find it in the United States law, and he will find the very subject discussed by the Constitutional writers of that country; and the reason given is a perfectly obvious one. Countries by common agreement among themselves have settled that that shall be the recognised constitutional right of each of them, because without that right no man who committed a crime in one country which was not completed within that country, could be tried at all. The man who stabbed another outside of our territorial waters, if his victim died in Canada from the effects of the wound, could not be tried at all, because the death did not take place where the wound was inflicted; the crime was not complete, and, therefore, according to strict theory, he could not be tried here. And a similar rule would apply if the conditions were reversed.

But for the purpose of avoiding the possibility of a case where a man injured in one country, and dying in another, could not have his death avenged by justice, laws have been passed in almost

every civilized country which provide expressly for the trial of such cases, which would otherwise altogether escape justice. In conformity with that principle, the law to which my hon. friend has referred me here was passed here; and my hon. friend will find the same rule laid down in the laws of the United States, and I think he will find the same thing in the laws of England. It is just in order that justice might have its course, that a rule of that kind is adopted everywhere—where the crime is incomplete in one country, all the countries in which any part of the offence took place or was committed is entitled to punish the criminal.

HON. MR. DICKEY—Has my hon. friend referred to that section of the Revised Statutes to which I have called his attention? Instead of applying to cases where the party was struck at sea or any other place and died in Canada, it is very different, because it says that where the person dies of such stroke, poisoning or hurt upon the sea or any place out of Canada.

HON. MR. ABBOTT—The clause reads:

"When any person, being feloniously stricken, poisoned, or otherwise hurt, upon the sea, or at any place out of Canada, dies of such stroke, poisoning or hurt, in Canada."

Is that not what I have been discussing all the time?

HON. MR. DICKEY—Very well.

HON. MR. ABBOTT—The converse of that is stated also:—It continues;—

"Or, being feloniously stricken, poisoned or otherwise hurt at any place in Canada, dies of such stroke, poisoning or hurt, upon the sea or at any place out of Canada."

These are the two cases where the crime is incomplete in either country.

Now as to the fact that this convention is to be made applicable to the Colonies, only when legislation is prepared for it, these colonies have legislatures of their own. It is a constitutional principle to leave colonies having legislatures of their own, to legislate for offences committed within their borders. England may have the right, and has rights, and exercises those rights, to provide for the punishment of crime here under one or two rare circumstances, and I think the first clause which my hon. friend read applies merely to facilitating the operation of that principle here. But legislation by each country is contemplated although the convention applies to the high seas; the power to legislate which is so contemplated to be exercised, is the power of each country to legislate to the extent of its own jurisdiction over the high seas. If my hon. friend's contention were correct, that a declaration in the convention that these injuries are injuries which are supposed to be committed outside of the territorial limits of any country, establishes the conclusion that we have the right to legislate beyond our own territorial limits, because the convention contemplates legislation. I say, no. The convention contemplates legislation by each country which was a party to it, and each legislating over the portions of the high seas over which it has jurisdiction, that is, the portions covered by its own vessels, and no other. I am speaking now of the high seas as outside territorial waters, and it does not follow because this convention applies to the high seas that any nation can legislate for every offence against the convention committed on the high seas. No such conclusion can be formed upon such an article as that. The proper conclusion is that they shall legislate insofar as they have any jurisdiction over the high seas, and the limit of their jurisdiction over the high seas is their own ships' bottoms. That is the true construction, that each nation having besides its territorial waters, a territory as it were, on the high seas, comprised within the sides of its own ships, is to legislate for that territory; and if everyone who was a party to that convencion legislates for its own territorial waters, and for its own territories on the high seas, that is its own ships bottoms, then a complete law respecting cables would result. Supposing these nations own all the ships from which offences against the convention will be committed, and each of these nations legislates in so far as its own ships are concerned, that an offence com-

mitted on its ships shall be punished in accordance with this convention, then such legislation would completely cover all offences against the convention. It does not follow, however, that any one of those nations can legislate for the ships of other nations.

HON. MR. SCOTT—No, no.

HON. MR. ABBOTT—My hon. friend admits that: then the clause of this convention which provides that it shall apply to the high seas does not by that means alone give us jurisdiction beyond our own territorial waters, unless we have bottoms on the sea which constitute part of our territorial jurisdiction. I think I might assert beyond the fear of contradiction that we have no ships on the sea which constitute part of the territory of Canada. The only scintilla of support my hon. friend's contention can have in that respect, is our own shipping Act, which provides for breaches of discipline on ships owned and registered in Canada. That does, to some extent, give color to the pretentions of my hon. friends; but I contend that it does not go so far as to constitute any jurisdiction on the part of Canada over the high seas as part of its national territory, by means of any ships, whether registered in Canada or not, because the shipping Act expressly says that ships registered in Canada are British, not Canadian ships. And we have gone as far, I am convinced, as we could go, when we have provided for breaches of discipline on ships owned and registered in Canada.

HON. MR. POWER—Suppose that a ship not registered in Canada, came here from England, and that during the voyage a murder was committed, does the hon. Minister hold that our courts could not exercise jurisdiction after the vessel arrived in our waters?

HON. MR. ABBOTT—I hold that if the murder was completed on the high seas, we should be capable of trying it in Canada under the Imperial Statute.

HON. MR. SCOTT—I am sorry that my hon. friend has made so long an argument to establish the fact, according to his own view, that Canadian courts have no jurisdiction over Canadian vessels on the high seas—

HON. MR ABBOTT—I have not said that.

HON. MR. SCOTT—I understood my hon. friend to say it! The whole contention the other day was that as far as crimes committed on Canadian vessels coming into Canadian ports were concerned, our courts had jurisdiction. The Act we are now passing is for the purpose of creating an offence, what was not an offence before. This necessity is called forth by the laying of marine cables in the Atlantic. The great powers of the world ha e become parties to it. Other powers were recognised that were not there. Canada was one of these, and Canada was invited to adopt legislation to bring this convention into operation and to pass an Act of Parliament to make it an offence to injure a submarine cable. The very fact of this legislation being now considered by us, is, I think, most abundant evidence that we have jurisdiction; and I regret that the Minister of Justice, as quoted by my hon. friend, should have thrown any doubt whatever upon it. I think, where there is a matter of doubt, we ought to assert in the broadest language that we had authority, and let that authority be set aside if it can be. Our authority has not been in the past questioned. The Statute which I quoted the other day, and which has been in force now some twenty odd years, clearly claims for Canada a right of jurisdiction on the high seas outside the three mile limit. I have no doubt that my hon. friend's from the maritime provinces could bring forward instances where crimes have been committed on the high seas outside the three mile limit, which were tried in the maritime provinces. Nobody has doubted their jurisdiction, and I think it ill becomes the Canadian legislature, at this late date, to cast any doubt on the subject. The very fact of the British authorities submitting this Act to us is an invitation for us to pass upon it, and to make it an offence. If we have no jurisdiction, we certainly cannot call it

an offence or make it a breach of our own laws, therefore I think our jurisdiction ought not to be questioned. I should like the language of my hon. friend's Bill to have been very much wider than it is. We ought to assert that we have positive jurisdiction over something we are passing a law for. We are declaring it to be an offence to injure or damage a cable outside of the three mile limit. We are not legislating within that limit, and therefore I think it is very unfortunate that we should have to use the peculiar words which are applied in the present instance in order to bring it before our courts. It is a case of the highest legislature of the country throwdoubt on its own jurisdiction.

HON. MR. MILLER—I did not intend to trouble the House with any remarks on this question, because I considered it was so clearly and lucidly placed before the Senate by the Leader of the House that it was quite unnecessary for me or any other gentleman to add anything to his able remarks. In fact I believe that it is almost conduct for which I should apologise to the House for attempting to add anything to the able argument which the hon. gentleman has presented to us on this question. When the subject first came before the House I was rather inclined to take the opinion entertained by the hon. gentleman opposite (Mr. Scott) and my hon. friend from Amherst; but on further reflection I have come to the conclusion that the position assumed by these hon. gentlemen is untenable, and that the position taken by the Leader of the House is the right one. I think the difficulty in this matter and the confusion of ideas in relation to the subject have arisen in consequence of the fact just now stated by the hon. gentleman from Ottawa, that it is notorious that on many occasionscrimes committed on the high seas have been punished in Canada. I am myself quite aware that crimes committed on the high seas have frequently been punished in Canada, and I could mention to the House many instances within my own recollection—the Salladin pirates for instance; but some hon. gentlemen seemed not to recollect that these crimes were not punished under any Provincial Statute, but under Imperial Law, which controlled and regulated such matters within the Admiralty of England.

HON. MR. DICKEY—Why then is it necessary to pass a law here?

HON. MR. MILLER—I see the mistake into which my hon. friends have fallen arises from the fact that they ignore the existence of the Imperial Statute under which all these crimes are punished in any portion of the Empire. My hon. friends have stated other cases in which a crime was partly committed within the territory of Canada, and partly committed out of it, in which punishment has been inflicted in Canada. That argument of the case was so clearly answered by the leader of the House that it is altogether unnecessary to say a word with regard to it. The error into which my hon. friend has fallen — and it is obvious to anyone who will reflect for a moment on the subject—is that he draws no distinction between a crime partly committed in Canada and partly committed out of it, and a crime entirely committed outside of the jurisdiction of the courts of Canada. That is a very important distinction. Now, with regard to the remark made by my hon. friend on my right (Mr. Dickey), when he asks why are we asked to legislate on this matter, I think the reason is quite obvious, and it does not at all militate against the argument of the leader of the House. It is this: We are a large and important dependency of the Empire: we have a large territory here which we govern under a constitution granted to us by the Imperial authorities. The territorial waters of our country belong to us. The Imperial Parliament would not attempt to interfere or to legislate with regard to crimes committed within the territorial waters of Canada. Therefore it was necessary that power should be given to Canada, and that Canada should be asked to legislate with regard to crimes which might be committed under this Act within the territorial waters of Canada. I did not rise to prolong this argument, but I am thoroughly convinced that the position assumed by the leader of the

House is unassailable, and it has not been assailed in the slightest degree by anything that has fallen from hon. gentlemen on this side of the House.

HON. MR. KAULBACH—When I arose a moment ago it was to say what the hon. gentleman from Richmond has said with more effect, I am aware that in the Maritime Provinces we have frequently tried offences committed on the high seas, but they were offences under the common law of England, which was applicable to us. In this case, as has been clearly shown by those who preceded me, we attempt to create an offence where we have no jurisdiction, because I contend we have no jurisdiction on the high seas. Our vessels are British bottoms and British property in every ocean, under Admiralty protection and jurisdiction. We do not carry a Canadian flag over the high seas. We carry the British flag which carries the law. It is that flag which protects us and we are amenable to that flag for all acts done by ourselves. It is the British flag wherever it floats, and under it we are protected against every nation, and it is only to that flag we can look for redress for wrong committed on the high sea. When a Canadian vessel goes outside of Canadian waters, and the marine league, the jurisdiction of Canada, she is a British vessel to all intents and purposes, and not Canadian. We are responsible even under the British Merchant's Shipping Act, and the British Seaman's Act, and to all Acts regulating commerce and navigation, damages and injuries, torts and wrongs on the high seas as part of the Empire.

HON. MR. POWER—I am rather surprised that the hon. gentleman from Richmond should have stated that nothing had been said on this side of the House which in the slightest degree tended to shake the view taken by the leader of the Government. Although the leader of the House may have had the better of the argument, still something has been said on this side of the House that is not without weight. Great stress has been laid on the fact that Canadian vessels are British vessels. I think that the same stress should be laid on the fact that Canadian courts are British courts, and I regret to say that, forgetting this matter was coming up to-day, I have not looked into it more carefully than I have; but I am rather disposed to think that when any British vessel comes into a Canadian port—no matter whether she is registered in Canada or in England, and a crime has been committed on board that vessel on the high seas, the Canadian courts have jurisdiction to try that offence. Whether that jurisdiction will extend to an offence committed under this convention I do not know. I notice that the hon. gentleman from Richmond and the leader of the House have laid great stress on the fact that section 9 of the Criminal Procedure Act, quoted by the hon. gentleman from Amherst, dealt only with cases where the crime had been begun outside and was completed within Canada; or where it had been begun within Canada and was completed outside of Canada. In looking over this chapter, 174 of 49 Vic, I find another section to which I do not think that distinction is applicable. The 21st section provides:

"Every one who brings into Canada, or has in his possession therein, any property, stolen, embezzled, converted or obtained by fraud or false pretences in any other country in such manner that the stealing, embezzling, converting or obtaining it in like manner in Canada, would, by the laws of Canada, be a felony or misdemeanor, may be tried and convicted in any district, county or place in Canada into or in which he brings such property or has it in possession."

In that case the crime was complete, for the property was embezzled, stolen or converted in another country. I call the attention of the Minister to the fact that the section does not provide that he may be tried or convicted for having the property in his possession; he is convicted of the stealing, embezzling, converting or obtaining by fraud or false pretences in another country. I think the distinction which the hon. gentleman undertook to make does not exist.

HON. MR. KAULBACH—That is for an offence continued in Canada.

HON. MR. POWER—No, he must bring the stolen property in, from outside

of Canada, and if he brings it in, he has it in his possession while in the foreign country; and he can be tried for it in the courts here. I would call the attention of the Minister to section 32 of the same Act, which provides as follows:—

"Whenever an indictable offence is committed on the high seas, or in any creek, harbor, haven or other place in which the Admiralty of England have or claim to have jurisdiction, and whenever any offence is committed on land beyond the seas for which an indictment may be preferred, or the offender may be arrested in Canada, any Justice for any territorial division in which any person charged with having committed, or suspected of having committed any such offence, is or is suspected to be, may issue his warrant to apprehend such persons, to be dealt with as therein and hereby directed."

I think there is something to be said on our side of the question.

Hon. Mr. ABBOTT—If the House will indulge me for a moment I will say that I quite agree with my hon. friend that there is a good deal to be said on that side of the question. I do not say at all that there is nothing to be said, but I think all these cases which the hon. gentleman cites are easily explainable. Everyone knows that every country desires, as far as possible, to join in bringing to justice those who commit offences. Section 21 of the Act quoted by my hon. friend applies to persons bringing into Canada stolen goods, and is based on the theory that every moment he retains those goods in his possession, the crime is being continued. It certainly was not passed on the theory that the man who steals in another country can be indicted and punished here: it is necessary that he should be continuing the crime by the retention of the stolen goods, or the bringing of the goods into Canada, otherwise he cannot be indicted under that clause. Then the under 32nd clause, as to indictible offences committed on the high seas, they must be dealt with under some Imperial Act. An Imperial Act might authorize the indictment and arrest of the person in Canada. An Imperial Act might authorize the punishment of the person in Canada, so that this only provides for the hypothetical case of a person who may be arrested or indicted, but it does not by any means say that a person who commits a crime beyond the seas may be arrested and tried here.

Hon. Mr. SCOTT—My contention on section 8, is, that it claimed for this country jurisdiction over crimes committed on Canadian vessels outside of the three mile limit and coming into Canadian harbors; that that Act was passed in conformity with 12 & 13 Vic: cap: 96, which relegates, as far as the British Courts have authority; to the particular province or colony the power to try such cases.

Hon. Mr ABBOTT—That is exactly what I stated.

Hon. Mr. SCOTT—We may go on and contend that we have not the power to try cases that are given to us under the law of 1791, with the same propriety and the same force of reasoning. We claim that authority. So far as Imperial Statute could give it they gave it to us and we possess it.

Hon. Mr. ABBOTT—I stated in my opening argument that where we had had jurisdiction over crimes committed on the high sea it was under the Imperial Act. There is no Imperial Act with reference to this offence.

Hon. Mr. DICKEY—It is a Dominion Act.

Hon. Mr. SCOTT—We have incorporated the Imperial Act in our own Statute.

Hon. Mr. ABBOTT—My hon. friend states the fact exactly as I have stated it.

The amendment was concurred in.

The Bill was then read the third time as amended and passed.

The Senate adjourned at 4:35 p.m.

THE SENATE.

Ottawa, Tuesday April 10th, 1888.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

HON. MR. DICKEY, from the Committee on Railways Telegraphs and Harbors, reported without amendment the following Bills, which were then read the third time and passed :

Bill (14) " An Act to incorporate the Western Ontario Railway Company." (Mr. McKindsey).

Bill (17) " An Act respecting the River St. Clair Railway Bridge and Tunnel Company." (Mr. McCallum).

Bill (19) " An Act to incorporate the Collingwood and Bay of Quinte Railway Company." (Mr. McCallum).

Bill (37) " An Act respecting the Lake Nipissing and James' Bay Railway Company." (Mr. Turner).

Bill (33) " An Act to amend the Act incorporating the Hereford Branch Railway Company, and to change the name of the Company to 'The Hereford Railway Company.'" (Mr. Cochrane).

Bill (34), "An Act respecting the South Norfolk Railway Company." (Mr. McCallum.)

Bill (35), "An Act to enable the Esquimalt and Nanaimo Railway Company to run a ferry between Beecher Bay in British Columbia to a point on the Straits of Fuca, within the United States of America." (Mr. Clemow.)

Bill (36), "An Act respecting the Grand Trunk Railway Company of Canada." (Mr. Ferrier.)

Bill (43), "An Act to amend the Act incorporating the Shuswap and Okanagon Railway Company." (Mr. Miller.)

Bill (44), "An Act respecting bonds on Branch lines of the Canadian Pacific Railway Company." (Mr. Haythorne.)

RAILWAY LEGISLATION.

HON. MR. DICKEY—I have had the honor, as Chairman of the Committee on Railways, Telegraphs and Harbors, to report these ten railway bills, the result of a single sitting of an hour, and in calling attention to what I consider to be an unprecedented occurrence in the history of this Chamber, I wish to state that it is largely due to the so-called model clauses arrangement made during last session. I do not hesitate to say that but for the change which has taken place very recently, these ten bills would certainly have occupied the whole of a day's sitting, and probably two separate sittings. At all events, I am quite safe in remarking that the hon. leader of the House was justified in stating the other day that the probable result of this improvement would be a saving of at least half the time of the House and of the Committee. I also wish to take the opportunity of stating that my attention has been directed, since this matter was last mentioned in the Senate, to the desirability of putting the crowning arch upon this improvement by, if possible, having these model clauses incorporated into the general Railway Act, so that a large amount could be saved in the expense to the applicants for legislation, and to the country, in the printing and publishing of these bills. I have had occasion to mention this to one or two members of another Railway Committee, and I have reason to hope that something may be done in the direction before the Consolidated Railway Act, as amended, comes up to us. If such clauses be not added to the Bill in another place, this House might well consider whether they should not be incorporated in the measure when it comes before us.

MORRISON DIVORCE BILL.

PETITION RECEIVED.

HON. MR. GOWAN as Chairman of the Committee on Standing Orders and Private Bills, presented their 14th Report, recommending that the Petition of Catherine Morrison, praying to be allowed to sue in *forma pauperis* for a

Bill of Divorce from her husband, be granted.

HON. MR. ALMON—I object to this report being adopted. It has been proved before the Committee that she is a pauper only because her husband had taken away all the money and property she had. It was likewise proved and stated on sufficient evidence that she had money enough of her own to have conducted this suit on her own responsibility if her husband had not taken it. We all know that in cases of divorce it is the husband who has to bear the expense. I say that from the experience I have, unfortunately, had on a committee, where the husband was obliged day by day to fee his wife's lawyer—$10 a day it was—to conduct her case. The proof in this case is insufficient; the proof ought not only to have been that the woman was a pauper, but that the husband was also a pauper. If she had property left her she was not a pauper, and if he took the money and spent it he was not a pauper. Catherine White may be a very poor woman, but she has only one child. If she was the typical widow, with seven children—I believe that is the number poor widows always have—she would have a better claim on our commiseration. However much feeling we may have in our hearts, it ought not to interfere with the justice of the case. The husband is in the penitentiary. He is probably a bad man, and it is likely she would be glad to get rid of him; but is it fair for us, while he is in the penitentiary and is not able to get a lawyer to defend him and cannot appear here to defend himself, that we should give the wife exceptional privileges to prosecute her action against him? I think not. I opposed this motion in the Committee and I was in the minority, but not so large a minority as I was told when I first introduced the question. Considering the two facts, that it has not been proved that the husband is a pauper, and that he is unable to appear and defend himself owing to the law—very justly in all probability—having taken hold of him, we should not grant any extra privileges to the petitioner. No doubt the woman would like to get rid of her husband as a great many women would, but if we adopt this principle all that a wife has to do, is to induce her husband to commit some flagrant crime—selling liquor in a Scott Act county for instance—get him put in the Penitentiary, and bring an action for divorce in *forma pauperis*. There are certain members of this House who claim to have great consideration for the sanctity of the marriage act, and there are a great many others, who do not belong to the same church, who think just as much of the sanctiy of marriage as if they did, and I feel that the majority of this House will join with me in refusing to grant this dispensation to this woman.

HON. MR. MILLER—The report has been laid on the Table and no motion has been made with regard to it. When a motion is made with regard to it, the hon. gentleman can divide the House on the question.

HON. MR. READ moved that the report be adopted. He said—I think that the hon. gentleman from Halifax might have told us that the husband of this woman is in the Penitentiary for bigamy.

HON. MR. ALMON—I would have said so, if I had known it.

HON. MR. READ—He is in the penitentiary for bigamy and I think it is very good ground on which the wife should apply to Parliament in *forma pauperis* to be relieved of such a husband. We have no means, as in the case referred to by the hon. gentleman, to compel the husband (he being in the penitentiary) to pay the expenses of this suit. In the case referred to the husband was in court, and the Committee did order him to furnish a defence for his wife and he had to supply her with means to fee her lawyer, which was only reasonnable. In this instance we cannot conceive how the woman is to get at the husband's means, if he has any. The husband generally holds the purse strings. In this case he is not here asking anything, but the wife is asking a very reasonable request to be relieved from her husband who is in the penitentiary for the crime of bigamy.

HON. MR. ALMON demanded the yeas and nays.

The House divided on the motion, which was carried on the following division:

CONTENTS:

HON. MESSRS.

Abbott,	McKindsey,
Alexander,	McMillan,
Archibald,	Macdonald (Midland),
Boyd,	Macdonald (B.C.),
Clemow,	Macfarlane,
Cochrane,	Merner,
Ferg ison,	Montgomery,
Ferrier,	Odell,
Flint,	Ogilvie,
Glasier,	Read,
Gowan,	Sanford,
Grant,	Schultz,
Haythorne,	Smith,
Howlan,	Stevens,
Kaulbach,	Sullivan,
Leonard,	Sutherland,
Lewin,	Turner,
McCallum,	Vidal,
McKay,	Wark.—38.

NON-CONTENTS:

HON. MESSRS.

Almon,	Guévremont,
Armand,	McDonald (C.B.)
Bellerose,	McInnes (B. C.),
Bolduc,	Pâquet,
Boucherville, de,	Pelletier,
Casgrain,	Poirier,
Chaffers,	Power,
DeBlois,	Ross (de la Durantaye).
Dever,	
Girard,	Trudel.—19.

HON. MR. MCKINDSEY moved,

That the Eighty-second and the Eighty-third Rules of this House be dispensed with in accordance with the recommendation of the Fourteenth Report of the Committee on Standing Orders and Private Bills, and further, that the Forty-ninth Rule be dispensed with to allow the presentation of the Petition of Catherine Morrison, therein referred to.

HON. MR. MCKINDSEY presented the petition of Catherine Morrison, of the City of Ottawa, praying for a divorce.

EXPENSES OF THE GOVERNOR GENERAL'S OFFICE.

MOTION.

HON. MR. O'DONOHOE moved

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a Return showing the amount it has cost Canada to maintain the Governor General's Office from Confederation to 1st January, 1888, for salaries, residence, travelling and all other incidental expenses, so made as to show the amount charged to each and every of them respectively.

He said—When I placed this notice on the paper, I had in view a state of things which has been more or less changed since then. I apprehended that in the discussion of the very large and important question in the Province serious difficulties might arise in the event of certain changes, as to the revenue by which to carry on the Government of the country. I thought it was our duty, amongst others, to see what means could be found to get out of the difficulty in the event of the abatement of revenue, inasmuch as it had been said that we must have recourse to direct taxation to make up for the reduction of revenue of some seven millions per annum. It occurred to me that it might be demonstrated, from figures in our Public Accounts, if they were carefully examined, that there was a mode by which that deficiency might be supplied —a mode by which, if economy were substituted by the Government for extravagence, the Government might be carried on to the great gain of the people of Canada. Since I placed that notice on the paper, a very momentous charge has taken place in the policy of the Government, one that has, to some extent, taken away the necessity, at all events taken away the flagrance of the motion which I propose making on this occasion, and relieves me of the necessity of going into these details which at present, I prefer not entering upon until we find what the Government are about to do. In their change of front it must have struck everybody with great surprise, and how far that change is to go on, what is to follow it or of its results, is not easily determined at this moment. On this occasion, therefore, I do not purpose troubling the House with any details of my plan or scheme, but simply ask that the Government would be good enough to grant the motion and furnish me with the figures in order that I may be enabled in the future to make use of them should the occasion arise.

HON. MR. POWER—I am under the impression that resolutions of a similar character to this have been introduced in the House of Commons, and I think adopted there. If that is the case, of course most of the information must be more or less accessible; but the point to which I wish to direct the attention of the hon. gentleman who has moved this resolution, as well as the attention of the House, is this, that very considerable sums are charged against the Governor-General's office, for which the Governor-General is in no sense responsible. My observations do not refer to the present representative of Her Majesty here; but I happen to be aware that some of His Excellency's predecessors felt very keenly the fact that they were made responsible for extravagance which was really not their own at all. I hope that if the information which the hon. gentleman looks for is forthcoming, it will be in such a shape as to let the country see the expenditure which is inevitably connected with the office of the Governor General, the expenditure for which the Governor-General is in a sense personally responsible, and the other expenditure, which I understand is very large, for which the Governor General is not responsible. The Governor General is in somewhat the same position as the Senate. Hon. gentlemen who pay any attention to the work which goes on about this building, are aware that the Senate is in no sense responsible for the whole of the large expenditure which takes place here, and which, I presume, is charged to the Senate. For instance: the Department of Public Works send their men here, and spend immense sums of money, in some cases, for disfiguring the building. We are charged with all such expenditures at this end of the building. Take the main entrance as an illustration. Two years ago the employees of the Public Works Department disfigured that beautiful entrance, painting the pillars and walls so that it looks more like a billiard saloon than the vestibule of the Parliament buildings. I think in some instances there have been five and six coats of paint put on the pillars and and walls in this end of the building without any instructions from the Senate at all. It has been done apparently at the sole whim of the Department of Public Works. I was informed, not recently, on what I consider good authority, that in the time of some of His Excellency's predecessors very large sums were charged for works supposed to have been done in connection with Government House, for which the inmates were in no sense responsible. The impression is that the money was not spent there at all, though a good deal of money has been wasted there. It has been charged to Government House, simply to cover up expenditures made in other directions. I hope if we get any information in connection with the expenditure charged to the Governor-General's office since Confederation, that it will be furnished in such a way as will enable us to see what the Governor-General is responsible for and what has been incurred through the extravagance or worse of the Government for the time being.

HON. MR. ABBOTT—I can only say that the report which is asked for by this motion, if it is voted affirmatively by the House, will be brought down, and when it is produced my hon. friend may perhaps find in it some of those items which he says have been fraudulently inserted in the charges against the Governor General's office. It is utterly impossible for me to discuss charges made in such a vague way, but probably when the report comes down he will be able to point out those items, and the charges can be discussed and disposed of in the usual way.

The motion was agreed to.

MANITOBA EXPERIMENTAL FARM.

INQUIRY.

HON. MR. SCHULTZ inquired:—

Whether it is the intention of the Government to establish the Manitoba Experimental Farm during the spring of this year?

He said—I have delayed making the present enquiry until now because it seemed to come within the scope of matters which were likely to be discussed

by the Ministers of the Manitoba Government who were recently in Ottawa, and because I knew that until as the important discussion which was taking place in another branch of the Legislature had concluded Ministers would find scant time for the consideration of such matters as the one connected with this enquiry. It may possibly be asked in the case of a Province such as Manitoba, which had so recently proved her great agricultural capacity, what necessity is there for this : indeed it is the belief of my agricultural fellow-citizens there that we can grow almost everything that is worth growing. Why then, it may be asked, is an experimental farm needed there at all? The answer is found in the general opinion prevailing there that nowhere upon the surface of the earth is there finer soil than in the Assiniboine and Red River valleys; and yet I grieve to say that while we have the small fruits in the greatest abundance—and the plum and grape are indigenous—the larger fruits have never yet to any extent been produced in Manitoba. On the Island of Montreal and at Sault Ste. Marie, both of which places have winter climates as cold if not colder than Manitoba, the luscious "Fameuse" and the "Pomme Gris," two of the finest kinds of apple, grow well. Now, why is this? I am not putting this question, of course, to the leader of the House, but I am alluding to it as one of the many reasons why we should have an experimental farm to solve these. I had always believed that the reason was to be found in our rapid spring vegetation, causing the sap to rise rapidly, and in that condition cold nights would chill or even freeze their circulation, so that the bark was split, causing the death of the tree ; to my shame, however, I may say that this theory was upset by being told that in the spring the sap runs down instead of up, and invited to remember in what direction the sap trickled from a maple tree when cut for sugar purposes in the spring, and that the real cause of the death of fruit trees is to be found in the fact that it is the unequal pressure of the descending sap on the sunny side as compared with the shady side of the tree, which splits its bark and causes death ; but we have another reason for desiring that an experimental farm be established at once, and it is this. It so happens that the immigrant entering Manitoba from the east passes through but little cultivated land, and hence, when he arrives at Winnipeg he has seen but little of the productiveness of the soil, and is exposed at this point to all the influences which are in favor of his settling in Dakota and Montana, rather than in Manitoba, and it is the general opinion that if he had, before his arrival at Winnipeg, passed through or near a Government farm in a high state of cultivation, or if such a farm could be seen by him say within a couple of hours' drive of Winnipeg, it would do much to decide his remaining in Manitoba, rather than go south, thus benefitting that Province, and as a consequence the whole Dominion. It is also needed for the testing of seed before planting, the publication of reports upon new varieties which may be found suitable for that climate, and to serve as a point of distribution for imported and other seed grains, grasses, roots, and fruits. I believe that I am expressing the feelings of my colleagues from Manitoba by stating that the Experimental Farm is urgently needed, and I trust the honorable the leader of the House may be able to assure us, and the people whom we represent, that the Manitoba Experimental Farm will be at once established.

HON. MR. ABBOTT—The question which my hon. friend puts me, undoubtedly refers to a very important matter and it is now under the consideration of the Government.

WHITE DIVORCE BILL.

SECOND READING.

The Order of the day having been called, second reading of Bill (B) "An Act for the relief of Mary Matilda White."

HON. MR. MCKINDSEY laid on the table the certificate of the Clerk of the House that notice had been posted on the door of the Senate for fourteen days.

HON. MR. MCKINDSEY moved that George James Hawkins be called to the Bar of the House to be sworn and examined.

The motion was agreed to.

The witness George James Hawkins having appeared at the Bar of the House, and being sworn, was examined as follows :—

Q. What is your name, place of residence and occupation ?

A. George James Hawkins, of the City of Ottawa, in the Province of Ontario, Law Clerk.

Q. Look at the paper writing now produced and shown to you, marked "A," intituled : "An Act for the relief of Mary Matilda White," and at the paper writing now produced and shown to you marked "B," being an Order of the Senate, dated the 20th day of March, 1888, both writings being certified by the Clerk of the Senate; also at the paper writing now produced and shown to you, marked "C," being a notice from the Solicitor of Mary Matilda White that the second reading in the Senate, of the Bill marked "A," had been postponed from 4th April to Tuesday, 10th April; did you serve copies of these writings "A" and "B" with the certificates thereon of the Clerk of Senate, and of the paper marked "C," upon any person, and if so, upon whom, and on what day and date, and at what place ?

A. I served true copies of the writings now shown to me, marked 'A' and 'B' respectively, with the certificates thereon respectively, of the Clerk of the Senate, and also a true copy of the paper writing now produced and shown to me, marked "C," upon David Crystal White, in the Brunswick Hotel, at the City of Ottawa, in the Province of Ontario, upon Friday, the 6th day of April, 1888.

Q. State the particular mode in which you effected such service ?

A. I served the said copies of the writings 'A,' 'B' and 'C' on the said David Crystal White personally, by handing the same to him and leaving the same with him, then and there explaining to him personally the purport and exigencies thereof.

Q. Do you know the said David Crystal White ?

A. At the time of the said service I learned that the said David Crystal White was staying at the Brunswick Hotel, Ottawa, and I proceeded to said Hotel and I asked the Hotel Clerk in the said Brunswick Hotel to point me out the said David Crystal White, which he did, and I thereupon asked the person indicated by said Hotel Clerk as David Crystal White if he were David Crystal White and he replied that he was.

Q. Is the person David Crystal White upon whom you served copies of the writings marked "A," "B" and "C" respectively, the same David Crystal White who is named in the said writings respectively, and who is therein styled the husband of the said Mary Matilda White ?

A. I am informed and verily believe that he is the same person.

Q. Did you compare the said duplicate copies of the writings "A," "B" and "C" with the said writings respectively and ascertained that they were true copies ?

A. I compared carefully the said copies of the writings "A," "B" and "C" with the said writings respectively and I ascertained that they were true copies.

The witness was directed to withdraw.

THE SPEAKER informed the House that Mary Matilda White, the Petitioner in this case, was in attendance below at the Bar, ready to be examined by the Senate generally or as to any collusion or connivance between the parties to obtain a separation.

HON. MR. MCKINDSEY moved that the examination of the Petitioner in this matter, as well generally as in regard to any collusion or connivance between the parties to obtain a separation, be for the present dispensed with, but that it be an instruction to any committee to whom the Bill upon this subject may be referred, to make such examination.

The motion was agreed to.

HON. MR. MCKINDSEY moved that the Bill for the relief of Mary Matilda White be read the second time.

HON. MR. KAULBACH—The question arises whether there has been sufficient identity of the party from whom the divorce is sought, with respect to the service of notice. I think that better evidence might have been had. The notice might have been served by some person who knew the respondent. I would suppose that in this place, where he is supposed to be well known, some person who had a personal knowledge of him would have been employed to serve the notice. The proof does not quite satisfy me, but I do not propose to object to the second reading of the Bill.

The motion was agreed to on a division.

HON. MR. MCKINDSEY moved that the Bill be referred to a Select Committee composed of the Hon. Messrs. Gowan, McInnes (B. C.), Kaulbach, Macdonald (Midland), Macdonald (B. C.), Boyd, Wark, Sanford, and the mover, to report theron with all convenient speed, with power to send for persons, papers and records, and examine witnesses on oath, and that all persons summoned to appear before the Senate in this matter appear before the said Committee, and that the said Committee have leave to employ a shorthand reporter.

HON. MR. GOWAN—I do not desire to avoid the trouble or responsibility connected with serving on this Committee, but with my experience of the past I certainly am not desirous to act on a divorce Committee without more certain guides than now exist. I feel that it is like going to sea on unknown waters without a chart or pilot, and I beg to be excused.

HON. MR. ALMON—I have very great objection to the practice of a member who acts for a petitioner in a case like this, appointing the jury to try it, and to collect evidence and bring a report before us that we are almost bound to adopt. I think that such committees ought to be appointed by the leader of the House. I do not think that justice can be got in a case where the party who has the trial of it can choose the jury. Divorce is probably one of the most serious matters that can be brought before this House. It is serious in its effect not only on the person against whom the action is brought, but it is serious in its effects on society. I do not suppose for a moment that my hon. friend is so wrapt up in this case that he would appoint an unfair jury, but I ask if it were a case in which a five pound debt were involved, would the Senate be satisfied with a trial by a jury appointed by one of the parties interested? I think not, and in this case the same principle should be acted upon.

HON. MR. MCKINDSEY—I think the hon. gentleman from Halifax has done me an injustice in placing me in the position of advocate in this case. I assert to the House that I do not know the parties; I have never known them. I am not an advocate for the petitioner; nor am I opposed to the respondent. The rules of this House, as I understand them, require that a committee of this kind, before it is moved for in the House, shall receive the concurrence of the Speaker; and heretofore such committees have been nominated by the Speaker of this House, or with his concurrence. If the hon. gentleman would state any objection he may have to any hon. gentleman named on the Committee, I could understand what he means. I would be very much pleased if the hon. gentleman would take the place of some other member who refuses to serve on the Committee. The objection which the hon. gentleman from Barrie has raised, that there is no settled principle whereby these cases can be determined, is one which, at the present moment, can scarcely be urged, because my hon. friend himself is trying to bring forward and to introduce to this House rules of a more permanent character to settle those questions which disturb the minds of members going on those committees. Those rules are not yet in operation. They have not yet passed this House, and therefore I cannot see why the hon. gentleman from Barrie, whom we would have been delighted to have on this Committee, because he has well discharged the duties of chairman on some of those committees before—should take the objection now in the face of resolutions which he has before the House. I believe that the hon. gentleman should accept the position and what is now the law, as he has been placed on this Committee to assist us until his own rules become the rules of this House. When they do, then the matter of selecting such Committees will be taken out of the hands of members like myself. I hope the hon. gentlemen whose names are on this Committee will accept the position for the present, and when the new rules are adopted by the House, I shall be delighted to concur in them.

HON. MR. KAULBACH—I am one

of those who have always objected to Divorce Committees being selected by members having charge of and promoting Divorce Bills ; and probably my hon. friend might postpone his motion until he sees whether those new rules would apply to this case and thereby avoid the existing difficulty which is present in the minds of many of us. I, for one, have said that I would never again sit on a Committee selected in the way Divorce Committees are now selected, not that I consider that in this case my hon. friend has selected a Committee that would be objectionable. It is the principle I object to. If the hon. gentleman from Barrie persists in his objection to sitting on the Committee, I certainly shall persist in my objection ; but I hope that my hon. friend from Milton will postpone his motion until such time as the new rules come before the House.

Hon. Mr. MILLER—He might give his resolution as a notice of motion.

Hon. Mr. DICKEY—It is not necessary to move this resolution to-day. The Bill has been read the second time, and the question now is how to proceed with it. I am afraid that if my hon. friend takes the course of asking for a Committee now there will be a slight confusion. If the new rules are adopted, then we shall have two Committees running on different lines altogether, trying two different divorce cases. I think my hon. friend had better see what the sense of the House is as regards the adoption of the new rules, and if they be adopted they will provide for pending divorce cases, and after the second reading of his Bill it will go as a matter of course with all that notice to the Committee that shall be chosen. If the new rules should not be adopted, he can move for a Committee under the existing rules, and if he cannot get the gentlemen that are named to serve upon it he can get a Committee that will be acceptable to the general sense of the House.

Hon. Mr. READ—I have had the honor of carrying several divorce bills through this House, and it has always been expected that gentlemen who had charge of those Bills would consult with the leader of the House as to the personel of the Committee. I know that I have consulted with him as regards the names to be put on Divorce Committees several times, and I am not aware whether in this instance that course has been adopted. I think the suggestion that the motion for a Committee for this Bill should be laid over for a day or two is a very good one. My recollection of the practice in those cases is that Sir Alexander Campbell, when leading the House, always expected to be consulted as to the selection of members of the Divorce Committee.

Hon. Mr. McKINDSEY—I think that question can be easily settled. I see in the report of the Select Committee appointed to frame new Rules, Orders and Forms touching proceedings in divorce, that the Committee recommend that in respect of pending proceedings for divorce the proposed new rules shall, if so ordered by the Senate, apply to all such proceedings only from and after the second reading of the Bill for divorce, but that until such Committee shall have been appointed, the proceedings in such pending cases shall be continued and thereafter conducted under and according to the provisions of the present rule, but in the absence of any such order of the Senate all pending proceedings shall be continued under the present rules.

Hon. Mr. MILLER—There is nothing in that to prevent the hon. member from giving the resolution which he has proposed to the House as a notice of motion for a future day. Should the propositions of the hon. gentleman from Barrie miscarry, then my hon. friend will be able to move, when he comes to the day for which his motion is set down, for a select committee, and he will not lose any time in getting his Bill again upon the Order Paper.

Hon. Mr. McKINDSEY—The Report of the Select Committee on Divorce may not pass.

Hon. Mr MILLER—That is what I say, and therefore by giving notice now for to-morrow or next day, the hon.

gentleman would in the meantime know whether the new rules are adopted, and, if not, the motion could be moved when the proper time arrived, for the appointment of a Select Committee.

HON. MR. MCKINDSEY—I would remind the House that the witnesses on both sides of this case are at present in Ottawa, and if we delay this matter it is a very serious thing to both sides, and I think we ought to be allowed to go on under the old rules until the new ones come into force.

HON. MR. MILLER—If we commence proceedings under the old rules you must go through with them under the same rules. The hon. gentleman is perfectly in order in the course he is taking.

The motion was agreed to on a division.

THE GREAT MACKENZIE BASIN.

HON. MR. SCHULTZ moved the adoption of the second report of the Select Committee appointed to inquire as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky Mountains and west of the Hudson Bay, comprising the Great Mackenzie Basin—its extent of navigable Rivers, Lakes and Sea Coast, of Agricultural and Pastoral Lands, its Fisheries, Forests and Mines.

The motion was agreed to.

FORMS AND PROCEEDINGS IN DIVORCE.

REPORT OF COMMITTEE POSTPONED.

HON. MR. GOWAN moved concurrance in the Second Report of the Special Committee of the Senate appointed to frame New Rules, Orders and Forms touching proceedings in Divorce, and for regulating proceedings on applications for Divorce before the Senate.

He said—I have great confidence in asking the Senate to adopt this report. The Committee to whom the subject of improved procedure in divorce was referred, recognising its importance devoted much attention to the proposed rules. They have been carefully considered and subjected to a critical examination in every particular. Several improvements have been made in the draft but the general character of the Senate rules has not been changed. I am gratified to be able to assure the Senate that the matter was approached in a judicial spirit, and I think it will be seen that the work has been well and carefully done and within the safe lines of the rules originally proposed. The altered procedure may not be all that some hon. gentlemen would desire. Certainly no radical changes were designed, but I think it will be found that important improvements are introduced and made with such caution that they should satisfy the public expectation. Certain features in the present practice, which were strongly condemned, will be omitted from the new rules. Thus, instead of appointing a special committee for each bill, a Committee for the session will be named by the House, and all divorce cases during that session will go before them. Such a body, carefully selected, must be a valuable aid to the House, and will, I believe, command public confidence, and uniform practice will certainly be promoted under their auspices. The provision, also, for reference of all matters, preliminary, formal and otherwise, now partly dealt with in the House and partly divided amongst Committees, will, under the new rule, go to the Special Committee on Divorce alone, the direct control of the House, however, being exercisable at every stage of each Bill of Divorce. Other provisions in the new orders,as to the taking of evidence and the orderly and proper conduct of inquiries, under certain and defined rules and principles, will guard against unsafe latitude or the possible play of individual feelings or affections, which never tend to certainty or uniformity of action or result. These you will find are the most important features in the proposed new rules. There are some small alterations made, none of them very important. One in the respect to shortening the time for notice. Six months was the time proposed in the original draft and also the

time mentioned in the original rules. Having regard to the increased facilities for communication and circulation of information, the Committee thought that three months at the present day would be at least as long as six months at the time the rules were passed. Another slight alteration was made : under the existing rules the Chairman had a vote as a member of the Committee, and had also a double, or a casting vote. It was thought expedient to change that in consequence of the reduced number of the Committee, and in that change also I agree. These are all the remarks that I consider its necessary to make. I believe that the public looks for some action and judging from the number of commuications which have appeared in the press and the number which I have received myself, the people expect some improvement in the divorce proceedings. I believe that the change now proposed is safe and will be found satisfactory.

HON. MR. ALMON—Should not each clause be discussed in the House ? It appears to me that it would be very wrong to ask us to adopt the report as a whole. Take, for instance, the first clause : it does not state whether the Chairman shall have the casting vote. Are we to give four persons the whole management of all the divorce cases ? You have already passed a resolution allowing persons to appeal in *forma pauperis*, and now, having opened the door for such cases, you allow four persons to conduct all these divorce proceedings. I think this report should be taken up clause by clause, and very attentively considered. To take them *en bloc* is to force down our throats rules which may may be very objectionable. I never saw them before, and have had no means of reading them. I think it would be better to defer the consideration of the report until a future day, when we can understand better what is proposed.

HON. MR. MILLER — I presume there can be no question at all as to the propriety of discussing these rules one by one. We cannot take them *en bloc.*

HON. MR. READ—I have strong objections to one of the paragraphs. Clause "A" says that "Senators not members of the Committee are not to be excluded from the sittings of the Committee, but may not speak or take part in the proceedings before the Committee." Now there is nothing like experience in these matters. A few years ago we had a very important Bill called "The Marine Electric Telegraph's Bill" before us. It was referred to the Committee on Railways, Telegraphs and Harbors. After considering it the Committee agreed to report the Bill. A gentleman who had been watching the Bill, and who sits very near me to-day, left the city to go home, considering that the Bill was to be reported and would no doubt become law. I was not a member of the Committee, but I happened to be passing by the Committee room the next day and seeing the Committee in session walked in and found them discussing this same Bill. I asked for explanations, and learned that the promoters of the Bill were not satisfied with the provision the Committee had made the day before, and had succeeded in having the Committee called together again to consider the question. If I had not had an opportunity to speak, the Bill would have passed without an amendment that I desired. I asked for a delay and the result was that the Bill became the subject of an important discussion. By the cry of monopoly it was finally carried, but it was a reserved, and finally returned to Canada with the statement that it was a matter with which Parliament would have to deal. The next session we had the measure before us again, and Cyrus Field and other eminent men were present during the debate on the subject. Now, if I had not had an opportunity of speaking on that occasion in the Committee the Bill would have been slipped through without the House understanding its nature and without the discussion which afterwards took place. There is nothing like experience in these matters.

HON. MR. ALEXANDER—The Parliament of the country should pause before making such a radical and sweeping change in regard to our procedure in dealing with Bills of Divorce. Have not the past decisions of the Senate in all applications for divorce been regarded by the

country as just and correct? Has there been any hostile criticism from the press of any part of the Dominion, of the decisions of the Committees of this House with regard to all applications for divorce which have come before us since the first year of Confederation? If there has been, it is only proper that the hon. gentleman should mention from what quarter that hostile criticism came. If those decisions had been regarded as satisfactory, one naturally asks why at this moment commence tinkering with our rules of procedure when we all feel and know, and it is the sentiment of the courts and barristers of the country, that there will be a general demand for a regular divorce court in a very short time? This House is generally disposed to accept, if possible, the report of one of its committees, and I feel it a delicate thing to criticise a report of this Committee. I would hesitate to do so if I had not doubts as to the wisdom of the course they recommend. My own individual opinion is that until a Divorce Court, such as that which exists in England composed of three competent judges selected by the Government, known to be men of mature judgment, possessing highly impartial minds free from all mental infirmities; until a divorce court of such a character is by law established it may perhaps be wiser and safer to go on a little longer with our proceedure, such as we have had and which has evoked no hostile criticism. The House knows that I hold in the highest estimation the members of the Dominion Senate. I do not think that a body of men of better judgment and qualities of head and heart could be found, and if the people had elected the members of this House they would be all right. The only improvements that I would suggest is that the principle of election should be adopted and that the House should elect its own Speaker. We have a curious state of society in this colony — a state of society which men coming from the Old Country, as I do, sometimes cannot understand. There are men occupying prominent positions who have done what the world in vulgar parlance would call "queer things." Such men have done things in this country which they would not dare to do in the old country. I have heard of a prominent man entering a church in which he had worshipped 20 years, tearing down the Cross of Christ and kicking it out of the front door in the presence of the congregation.

HON. MR. SMITH—What has that to do with this question?

HON. MR. ALEXANDER—Who makes that remark?

HON. MR. SMITH—I do.

HON. MR. ALEXANDER—How could I have any confidence in a man who, knowing the words of his Saviour, could as the Jews did, seize the Cross of Christ and kick it out of the door of the church? Who could have any confidence in the judgment of such a man?

HON. MR. SMITH—Who did that?

HON. MR. ALEXANDER—The hon. gentleman has no right to interrupt me in this manner. With reference to the report of the Committee, I would call attention to the sixth line which provides that "the Committee, unless it be otherwise ordered by the Senate, shall meet on the next sitting day after their appointment and choose their chairman, and four of the Senators on such Committee, shall constitute a quorum." A majority of four or five, with such a man for chairman, shall constitute a judicial body to decide the most important cases of divorce. In England, three honored judges of the Bench, such as the late Judge Moss and Judge Harrison, or the present honored judges of our Bench, are appointed to discharge these duties, but that is a very different thing from taking four members of the Canadian Senate, to discharge such functions. If I had the selection of them, I could select four men, or ten men, in this Senate with whom such questions would be perfectly safe, because I know them to be men of sound minds. A selfish ambition to serve, must have inspired this report, which the House cannot adopt in the present shape. As the hon. member from

Belleville has already pointed out it is proposed also to prevent Senators, who are not members of the Divorce Committee, from speaking at its meetings. I wonder how the hon. member from Lunenburg who is an eminent barrister, could have allowed such a thing to be inserted in the report. I beg to move that the further consideration of this report be not now proceeded with, but that it be postponed until the second week of the next session of the Dominion Parliament.

HON. MR. KAULBACH—I do not intend to discuss the general features of these resolutions. If the sense of the House should be to take them in detail I have no objection. But we are asked to go further and to stultify the action of the Senate. The House considered it advisable that the Committee should be appointed. The Committee have met and considered this subject and submitted their report. It seems to me the only question before us now, is whether we shall discuss the rules clause by clause, or as a whole. I am prepared to adopt either course. The absolute and direct control of all the proceedings of that Committee is with the Senate. It cannot move without the approval of the House. Therefore I do not see the harm which my hon. friends perceive in the first clause. I do not think the Committee would debar any member of the House, who might be present at its meetings, from speaking, if he thought it advisable to do so.

HON. MR. READ—The clause expressly says that none but members of the Committee shall have a right to speak.

HON. MR. KAULBACH—I do not see that any such action would be taken by the Committee. The fact of having the power to do so might save the Committee from being delayed or hindered unnecessarily in their proceedings.

HON. MR. ALMON—The hon. member has surely not read the clauses which have been reported. The words of the first clause are, "but may not speak or take part in the proceedings before the Committee." I think it is an insult to the members of this House and an interference with their inherent rights.

HON. MR. READ—A member of the House might be present, and at an important point in the examination of a witness might wish to have some necessary explanation made.

HON. MR. KAULBACH—He could suggest the question to a member of the Committee.

HON. MR. MILLER—My own position in relation to this question is well understood by the House. I do not think I should give any serious opposition to the clauses. There may be one or two points to which I would take exception, but on the whole, I do not undervalue the labors of the Committee and the results that flow from them; but what I desire is that the rights of the House should not be completely usurped by the Committee to the extent of compelling us to swallow the whole report of the Committee without examining it clause by clause. The report recommends that certain rules, orders and forms of proceedure to the Senate. To accept these *en bloc* would be to adopt a proceeding which has never been followed in this or any legislative body before. The rules of the House are of the most important character and consequence and are never adopted except after a most critical discussion and study. These rules which have been reported to us may in some particulars require amendment. They may be good on the whole; I am rather inclined to think that they are, but they may in some particulars require amendment. Some hon. gentlemen may consider that one requires amendment, others may think that some other could be improved, and if you attempt to pass them as a whole you may combine all forces and defeat the report, whereas if they are taken up clause by clause, as they should be, the opposition would not be of a very serious character, and the rules would be got through, as they should be, formally and solemnly—because it is a most solemn proceeding, in so important a matter as divorce. I hope the hon. member who has charge of the

matter will take the course which is always pursued in cases of this kind—that is, to move that these rules be considered clause by clause. Otherwise I shall feel it my duty to move a resolution of that kind.

HON. MR. GOWAN—I am entirely in the hands of the House, and I am desirous only of taking the course which would be fair and considerate to the views of some of the leading members of this Chamber. From the first I endeavored to place in detail before the House the full view of the matter, and for that purpose I had, at my own instance, the original rules introduced by me printed. I recognize at the same time the force of the remarks of my hon. friend from Richmond, and I am quite willing to assent to the course that he suggests. With regard to what has fallen from my hon. friend from the Quinte division, I may be wrong in the view I take: if so, I am quite willing to recede from the position. When I moved for this Committee I remarked that at present Senators, though not members of a Divorce Committee, may speak at a meeting of the Committee, and I further said that everyone who is familiar with the investigation of facts and the conduct of business, knows how this may militate against the discovery of truth in the examination of a witness, as also against the proper and regular conduct of an inquiry. Now, that rule I thought a good one, in the altered form. I may be wrong: I do not desire to interfere with the rights of any member of this House. The conduct of the enquiry in a divorce case very much resembles a trial, and the Committee may adopt a certain course of proceeding. It might interfere seriously with their proceedings if a member of the House, not a member of the Committee, is allowed to interpolate with a question just at a particular time of the inquiry. But I am not at all wedded to that rule, and I do not desire to retain it if the House, or any large number in the House, think unfavorably of it. I am quite willing that that should be left out; it does not affect the general character of the rules. It relates to a matter that I thought important, but I may be wrong in considering it so. If the sense of the House is for it, I would be very willing to withdraw the broad motion which I made for the general adoption of the rules, and move instead that the rules be considered *seriatim*, so that the House might pass on each one. I believe on former occasions the rules were adopted *en bloc*. They were prepared by the Speaker and submitted and adopted as a whole, but, perhaps, as the hon, member from Richmond suggests it would be better to propose the rules one by one, so that each may be discussed upon its merits. I believe that the new procedure would be a great improvement on the present one, but if the House think otherwise I am willing to submit with due respect to their view. I trust the subject will not be dismissed without, at all events, fair and reasonable consideration.

HON. MR. MILLER—I rise to a question of order. The motion of the hon. gentleman from Woodstock is before the House, and I think we had better decide that; it is in the way, and then my hon. friend will be at liberty to take any course that he thinks proper.

THE SPEAKER—The question before the House is the amendment of the hon. gentleman from Woodstock that the further consideration of this report be not now proceeded with, but that it be postponed until the second week of the next session of the Dominion Parliament.

HON. MR. O'DONOHOE—I do not purpose occupying the time of the House to any extent, but it seems to me that unless there is manifest cause, the rules of the House should not be interfered with or changed. For my part, either through the press or otherwise, I have heard no complaint made against the system of procedure in the Senate in the past, and I know this that that system has minimized the number of divorce cases—that the procedure now proposed is better calculated to facilitate divorce and divorce cases than the system that has hitherto prevailed. The very fact of bringing the parties before the bar of this House and examining them in the solemn manner in which

they are examined, has a most deterrent effect upon applicants for divorce. The change draws away from the House that feature. It takes it to a Committee. The moment persons who wish to obtain divorce feel that they can go into a Committee room, hidden away from the public gaze, and give their evidence with closed doors, it will tend to increase the number of applications for dissolution of the marriage tie. Those hon. gentlemen who believe that it is for the benefit of society, for the benefit of the family tie, for the benefit of the country, may well vote for a procedure such as the one now proposed; but men who believe that divorce should be kept down and minified as much as possible will be committing an error in voting for the report moved by my hon. friend. It is nothing more or less than the creation of a Court within the Senate. It is an *Imperium in imperio.* That is what this procedure will produce. I have yet to learn that hon. gentlemen of this Senate, while tolerating divorce, and while endeavouring to deal with cases of great hardship, would give a vote or perform an act that would increase the number of divorces in this country or weaken in any manner the sacred character of the marriage tie. Everything is done in this proposed procedure to increase the number. Notice is shortened. As it has often been said, a couple may disagree to-day. You give them under our existing rules six months notice before they could come before this House. In that period their wrath has time to cool, and that which at one time was matter irreconcilable between them ceases to be so. Time assauges and cools their passion, and enables them to continue to live with one another. That is the state of things as they now exist. Has there been any outcry throughout the Dominion for increased facilities for divorce? Let any man put the question to himself. If there has not been, why not let the system we have had in the past govern? I repeat, that the solemn manner of bringing a witness to the bar of this House and system of examination is deterrent in its effect. The moment you do away with that solemnity of procedure in the House, and take it between the walls of a Committee room you destroy its deterrent effect, in my humble judment, and I submit with the greatest possible deference that we should do nothing whatever tending to increase the number of applications for divorce. I, on that ground, purposed taking no part in the discussion of the clauses of the proposed procedure, because if there are in this House hon. gentlemen who want to facilitate divorce, I believe that the system promulgated by my hon. friend is better calculated for their purposes than our rules as they stand at present.

HON. MR. POIRIER—I am sorry we are called upon to form new rules in matters of divorce. I would much rather be called upon to sign a petition to the Imperial Parliament to amend our Constitution and the Federal Act so that courts of divorce should be created in the different Provinces instead of creating a Court of Divorce within the Senate. There are many reasons why a court of divorce should be instituted to deal with questions which, in many aspects, should not be left for us to decide. In the first case, if it is simply a question of civil contract between the parties, as the majority of this House and the majority of the country believe, why not leave it to the tribunals of each Province, as they are in the Provinces of New Brunswick and Nova Scotia? If, as the minority of this House and the minority of the country believe, marriage is a sacrament, then the minority ought not to be called upon Session after Session to decide upon a point of law which for us Catholics is already decided by the highest tribunal to which we can appeal and which has declared that "whom God hath joined together let no man put asunder." I take the view of my hon. friend from Erie, and shall never be willing that the step now proposed by the hon gentleman from Barrie, which will facilitate divorces in this country, shall be adopted. From what I gathered from the debate the idea of the hon. gentleman was to check or prevent divorces, but I am sorry to say that the effects of the procedure will be the very opposite. There are several points in these resolutions to which I am opposed—that, for

example, of reducing the time of notice from six to three months. Is that not directly facilitating divorce? There are other points to which I object, for instance, the dealing with a question, which must be of paramount importance, by a committee the majority of which shall be three. If the question is of such importance as we believe it to be, a committee of three (which would be the majority) is too little, and the restriction on other members who may have reasons for opposing divorce, in my humble judgment, should not exist. If the committee is so small, other members who may have reasons to oppose divorce, ought to be free to express those reasons, and not allow so important a question to be left to the decision of two or three individuals from whose jurisdiction there is no appeal. There is an appeal to this House, if you like, but hon. gentlemen know how the House deals with reports of Committees—especially in the case of divorce. The majority of this House, who believe in divorce, unless there are very serious reasons, the details of which they do not know half the time, or perhaps have not heard, will vote for the Report of the Committee; while other members of the House are placed in this dilemma, that we should by right take no part in any question of divorce, because when a question of law—and the majority of this country as I have said assume it to be a question of law—has been decided by the highest tribunal of of the land, the Privy Council, the inferior Courts have not the right to amend it even in particulars which they believe would make it better and much more acceptable. For us Roman Catholics, the question is already decided by the highest tribunal to which we can appeal, and we are not supposed to take any part whatever in the procedure. Therefore, to have this question thus prominently brought before the Senate is not desirable, and on the other hand it certainly is not desirable to facilitate the means for parties to set aside marriages, when very often both parties are guilty, and dissolve a tie so solemn and so sacred. I shall therefore oppose the report of this Committee.

The house divided on the amendment which was lost on the following division:

CONTENTS:

Hon. Messrs.

Alexander,	Leonard,
Almon,	McClelan,
Bellerose,	McDonald (C. B.),
Bolduc,	O'Donohoe,
Boyd,	Pâquet,
Casgrain,	Poirier,
Chaffers,	Power,
DeBlois,	Read,
Girard,	Ross (de la Durantaye).—19.
Guévremont,	

NON-CONTENTS:

Hon. Messrs.

Abbott,	McMillan,
Allan (Speaker),	Macdonald(Midland),
Archibald,	Macdonald (B. C.),
Clemow,	Macfarlane,
Cochrane,	Merner,
Dickey,	Odell,
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McCallum,	Turner,
McInnes (B.C.),	Vidal,
McKay,	Wark.—31.
McKindsey,	

HON. MR. VIDAL moved that the debate be adjourned, and that it do stand the first order of the day for tomorrow.

The motion was agreed to.

BILLS INTRODUCED.

Bill (27) "An Act to incorporate the Bronsons & Weston Lumber Company." (Mr. Clemow.)

Bill (42), "An Act to incorporate the Pontiac and Renfrew Railway Company." —(Mr. Clemow.)

Bill (64), "An Act to incorporate the Chatham Junction Railway Company." —(Mr. Lewin.)

Bill (63), "An Act to amend the Act relating to the Wood Mountain and Qu'Appelle Railway Company." — (Mr. McClelan.)

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Wednesday, April 11th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

HON. MR. MACDONALD (Midland) —Before the Orders of the day are called I wish to make a statement on a question of privilege upon a matter which it will be found has already occupied too much of the attention of this House. When the hon. Senator from Woodstock the other day, saw fit to make an attack against the City of Toronto and the gentleman who fills its civic chair, I rose to refute the statements which he made. The Mayor of the City, feeling justly indignant at the way in which the matter had been reported, sent down for full particulars of the remarks which had been made. The hon. Senator from Woodstock rose to reply, on a subsequent day or, rather, to make explanations; but really never touched the matter to which exception was taken. The fact is that the entire remarks which called forth mine have been eliminated from the official report, and the question arises to what extent the words of hon. gentlemen become the property of this House when they have been used in Debate, and when they tend to make everything that is said by those who answer them to amount to nothing short of nonsense. I say that the remarks of the hon. gentleman touching the civic magistrate of Toronto have been eliminated, whether by his own act or by his instructions, of course I cannot tell; but the result is seen in the following extract from a Toronto paper which shows the impression which it has created there :—

It will be seen that Senator Macdonald misapprehended Senator Alexander, and that the latter gentleman failed to catch the import of Senator Macdonald's comments in reply to him. It is little wonder, therefore, that the reporters who are so unfavorably placed should be led into error. In justice to the reporter, it should be said that Mr. Macdonald's remarks were misapprehended by others besides the members of the press. However, this opportunity of setting everything right is gladly taken advantage of.

The effect of this remark is, of course, to set everybody wrong, and while I have great sympathy for the reporters of the press, who, in a building like ours, where the acoustics are so bad, may occasionally fall into error, I am at a loss to understand how any gentleman on the floor of the House who can hear should have failed to hear my remarks, and, having heard me, should have failed to understand what I said. The point I wish to make is this: that the hon. Senator did make an attack upon the gentleman occupying the civic chair in the City of Toronto, and that the remarks that I made were in refutation of his statement. I wish to say nothing more.

PROCEEDINGS IN DIVORCE.

DEBATE CONCLUDED.

The order of the day having been called—

Resuming adjourned Debate on the Hon. Mr. Gowan's motion for the adoption of the Second Report of the Special Committee of the Senate appointed to frame New Rules, Orders and Forms touching proceedings in Divorce, and for regulating proceedings on applications for Divorce before the Senate—

HON. MR. VIDAL said—In rising to resume the discussion of this question which occupied our attention yesterday, I desire to announce my intention, before I resume my seat, of moving an amendment to the motion which is now before the House, to the effect that the report, instead of being adopted as it proposes, be committed to a Committee of the Whole House. I am satisfied that there is an entire misapprehension of the design and wish of the members of the Committee on the part of any hon. gentleman who supposes for a moment that that Committee desire their report to be accepted as a whole without discussing its details. That Committee, composed as it is in large measure of some of the most eminent, distinguished and practical lawyers in this House is, in my judgment, entitled to great consideration in criticising their

report. Six legal gentlemen of the highest standing, and whose views upon a question of this kind are entitled to very great weight in this Chamber, were on that Committee. Those associated with them as laymen are men of sound judgment and experience, and concur in the views which are advanced by them, and the whole Committee was tolerably unanimous in agreeing on the report as now submitted to the House. I admit of course, that on some of the details there was a divergence of opinion, and they were carried by the majority vote; but when they were adopted it was with the full knowledge that an opportunity would be given to discuss the report clause by clause, and any member of the Committee who thought his over-ruled views were correct would have an opportunity of pressing them in the House. I was on one of the clauses, in the minority myself. I objected for instance to the small number of the proposed committee. I submitted to the decision of my colleagues, knowing that when the subject came before the House for consideration, I and others who thought with me, would have no difficulty in getting the sense of the House as to whether the number composing the Divorce Committee should be increased or not. Hon. gentlemen well know that the mover in this matter, the hon. gentlemen from Barrie, the hon. gentleman from Amherst, the leader of the Government, the hon. member from Lunenburg, the senior member for Halifax, and the hon. gentleman from Rockwood were on this Committee, and others in whom the House has generally expressed confidence were associated with them, yet when they presented their report to the House, what was the proposal made to deal with it? Some hon. gentlemen who are opposed to this report are amongst those who usually urge most strenuously on the House the obligation to adopt the reports of Committees; yet this Committee, having given the greatest possible attention to this subject, having taken the greatest pains to present a scheme which they thought would be acceptable to the House, when their report is presented, what is proposed to be done with it? To consider it in order that it may be amended in detail? No, but to give it no consideration at all — to inform those gentlemen who were selected to consider this matter, that the result of their labor was of no value, that it should be postponed for twelve months, or, in other words, thrown out altogether. Is that the treatment which this House is disposed to accord to the labors of the Committee, to reject their report without examination? I do rejoice that the House, by the decisive vote which was given yesterday on the motion of the hon. gentleman from Woodstock, showed conclusively that it was not disposed to adopt any such plan as that suggested by that hon. gentleman. I was somewhat surprised at the position taken by several hon. members of this question, but while "surprised," may properly characterize my feelings on the action of some hon. gentlemen, it is too weak an expression when applied to the position taken by the senior member from Halifax who had been with us on the Committee, and had agreed to the very principle that was the foundation of all our work, now standing up and supporting the proposal, that the work of that Committee should be all disregarded and thrown to the winds. His action appears to me to be utterly inexplicable. While very scant courtesy was thus endeavored to be shown to us, it is gratifying that the House has sustained the Committee so far, and affirms that the report is worthy of consideration. I can assure the House that the Committee is not only perfectly willing, but desirous that such amendments shall be made as the House may deem advisable to any of those proposed rules; there is no desire on the part, of the chairman or on the part of any member of the Committee that these Rules shall be adopted without full discussion. That hon. gentleman is as desirous as any of us that the Rules shall be well and wisely considered and framed. We recognise the importance of these Rules. It is not like an action that will be but temporary in its effects; it is something to be lasting, and to be our guide for years, and it is therefore all the more important that every item should be thoroughly discussed in order that the best solution may be arrived at. I consider that the very decisive vote which was given here yesterday settles

what might be called the "principle" of this matter. If it were a Bill, in place of the "Report," I should say it was equivalent to its passing the second reading—that the principle is admitted, that our Rules will be the better for being changed and improved as proposed by this Committee. That point, then, I consider as settled, and no longer open for discussion. The essential principle of the proposal is the change from submitting these Bills to Special Committees to a Standing Committee. That principle has already found favor very largely in this House. A number of hon. gentlemen who have spoken have pointed out the impropriety, if I may use the term —certainly the inexpediency—of allowing a member in charge of a Divorce Bill to select his own judge and his own jury in disposing of that Bill. It is quite true that, like the hon. gentleman from Milton, many a member having charge of a Divorce Bill, can say he does not know the parties interested—that they are strangers to him, and he merely takes charge of the Bill as a public duty as it passes through the House. But does not every hon. gentleman know that taking charge of a Bill gives him a kind of interest in it whether the member knows the parties or not; consequently the object an hon. gentleman having such a Bill in charge would naturally be not so much to arrive at what is a just and proper decision of the question, as to be successful in carrying through the Bill which he has taken in charge. The impropriety of allowing a person to thus select his own judge and jury has been commented upon in this House on previous occasions, and generally admitted. I may add that the proposed change meets with the approval not only of hon. gentlemen of this House but throughout the country generally; I know, from having seen them, that the hon. gentleman from Barrie has received letters of highest commendation, from gentlemen occupying important positions throughout the Dominion.

Hon. Mr. ALEXANDER—They did not know what the Report would be.

Hon. Mr. VIDAL—They knew perfectly well that the hon. gentleman from Barrie was proposing this essential change, that Divorce Bills instead of being referred to a select committee chosen by the member in charge of such bill, should be submitted to a general Standing Divorce Committee, who would have charge of all divorce bills and matters and who could not possibly be influenced in the same way that a private individual who had charge of a bill might be. The proposal meets with very wide and very extensive approval. Many objections have been advanced against the adoption of those rules. I may now take notice of a few of them. It is alleged, in the first place —and it would be a fatal objection if there were any truth in it—that the new rules will facilitate the obtaining of divorce. Nothing can be further from the intention of the parties who have framed those rules than to afford any facility for getting divorce, more than is absolutely necessary. I question if any of my Roman Catholic friends have stronger objections to granting divorce than I have, but this duty has been by the Constitution assigned to the Senate, and while many of us would be glad to leave such matters to a court of divorce, we are compelled by our constitution to be judges in these matters. While then, it is indisputably our duty to consider and deal with these questions, we should endeavor to faithfully discharge our obligations, and do it in the most satisfactory manner in our power. So far from affording facility for divorce, I think the tendency of the new rules is in the opposite direction. I think the remarks of the hon. gentleman from Barrie, on first introducing them, ought to satisfy every member of this House that his views at any rate are not at all favorable to affording facilites for getting divorce; he expressed himself as averse to granting it except in cases where it is very clearly proved that parties were absolutely entitled to it. These rules are intended to prevent divorces being too easily obtained. Under our present system it is obvious that certain influences may be brought to bear upon a commi t tee selected by the gentleman promoting the bill, that may in some sense lead to the granting of divorce where a more

calm and judicial enquiry into all the circumstances connected with it would lead to an opposite decision.

Now, if a committee be formed such as is now proposed, to whom these matters will be referred, they are not likely to be influenced by any other consideration than that of ascertaining whether the circumstances brought before them are sufficient to warrant a divorce being granted. Instead of offering facilities, it is putting an additional obstruction in the way of obtaining divorce—at any rate, it is tending to make the action of this House more fully founded on just and proper principles than under our old rules. Another objection was made that there has been no demand, no petition presented, and nothing in the press indicating a desire for this change. I wonder if there is anything to surprise us in that? I should like to know from the hon. gentleman from Woodstock, who raised this objection, if he is able to say that any person outside of this House knows anything of its divorce rules, or cares anything about them? The public are not aware of or interested in the rules which guide us in deciding these questions. All they know is by the general report made of the proceedings in the House and the result at which it arrives. A great many invidious remarks are made respecting this body, but as a matter of fact the decisions we have arrived at on the cases that have come before us in the past have met with general approval in the country, thought they do not know on what principle or under what rules we reach them. I hold then, that the objection that there is no demand from outside for an improvement in our rules has no weight. Where does the demand for a change come from? From ourselves—from gentlemen who have been engaged on those cases for years and have ascertained the weak points in our rules, and know where they should be improved. How much better a source this should be considered, as coming from ourselves, than that from an outside sentiment amongst people who know nothing of the rules they speak about. I hold then that the origin of the proposal is such as to entitle it to the very careful consideration of this House from members who have seen the defects of our procedure and are anxious to remove them. Another objection that was urged was that the proposal to do away with some of the formalities connected with the present management of divorce cases was likely to have a very serious effect—claiming that it was such a very solemn thing for a person to be brought before the Bar of the Senate—that it deterred people from seeking divorce. Who is it that appears before the Bar of the Senate? It is generally a law student, and I do not think that any lawyer's clerk appearing before us is very much impressed with the solemnity of his position, or that we are very much impressed with the the solemnity of the questions that are put to him. I am at a loss to see where the solemnity comes in. Nothing, in my opinion, is more farcical than the proceedings which take place when we have a person called to the bar to give evidence as to the service of notice–the running backwards and forwards of the Clerk with the questions, and asking by the Speaker if the question can be put—all this having really no bearing on the merits of the case, and certainly no influence upon the applicant. Proof that the notice has been properly served can be just as efficiently and as properly made before the Committee, without taking up the time, and going through those formalities at the Bar of the House which must appear almost ludicrous to outsiders. Some of the changes which are to be made in the Rules will be more properly discussed in Committee. The change proposed to be made as to the time for which the notice shall be given, from six months to three was made in the Committee, and was not in the resolutions as first introduced by the hon. gentleman from Barrie, which shows how clearly exempt he is from any blame with reference to that change. Then as to the number of the standing committee, I have already said that it was one of the rules where I as a member of the Committee proposed that the number should be changed from seven to nine. I felt then the weight of the objection now raised here, that a quorum of three

members would be too small a number to decide those cases, and tried to have it made larger; but the Committee's decision would of course be subject to the approval of the House. It would be very different from the finding of a judge or Court which would be final. I thought myself that a committee of this kind, in order to secure a quorum, should consist of nine, and that five would make a quorum, but the majortty of the Committee were against me, and I made no objection, but let it go. Then, as to the restriction of speaking, I am not sure about the propriety of it, but there is something that deserves consideration before we make a change. Of course, all these things are subject to revision, and whatever the House thinks best, I am quite sure will be perfectly satisfactory to my hon. friend who has proposed these new rules. When we remember that the proceedings are quasi-judicial, there seems akind ofimpropriety in allowing a person to speak in the room where a particular kind of examination of a witness is being carried out with a view to eliciting certain facts,who has not been present at any of the prior proceedings of the Committee and interject questions or remarks calculated entirely to disturb and disarrange the ideas of those who are endeavoring to obtain a proper knowledge of the facts of the case,by the examination of the witness. I do not see,myself, what can be really obtained by any member not a member of the Committee having the liberty to speak in the Committee. I cannot conceive of any object at all to be gained by it. Of course if he has any testimony to give he can be there as a witness, so it is not depriving him of the privilege of giving evidence for the guidance of the Committee. It is merely depriving him of the opportunity of speaking, perhaps on irrelevant subjects, in a way to disturb the proceedings of the Committee, and I can see very little objection to retaining it as it is. At the same time, it is not a point of any great importance, and if the majority of the House think such a restriction undesirable, there can be no objection to making a change. I move that the report be committed to a Committee of the whole House presently.

Hon. Mr. GOWAN—I desire to say a word or two on this subject. I think the House will see that from the first, now and always, I have been exceedingly anxious that every portion of this scheme should be discussed in all its details. I have courted inquiry in order that inquiry might be facilitated I divided the object into distinct paragraphs. I had the rules printed and a reference in each paragraph of my speech was directed to them so that every member of the House would have every facility in studying each the rules If from want of knowledge of the rules of this House I moved, as I understood was the usual course, that the report be adopted, I had no desire—on the contrary my strong feeling was to court inquiry—that any gentleman who had anything to say on the subject should be repressed or interfered with. When my hon. friend from Richmond suggested that the matter should be entered into in detail and each particular paragraph put to the House *seriatim* I at once recognized the value of the suggestion and assented to it, and all that my hon. friend from Sarnia has just now said with respect to my strong desire that every member of this House should thoroughly understand in all the details the scheme that has been submitted, I entirely endorse. I have no ulterior object. I desire to be of use in respect of matters that I know something about. My experience outside of the House and in the Committees of the Senate have suggested it, and I have certainly gone upon safe grounds. I may remark that it has been said there has been no public expression in respect to the desirability of the proposed change. I might, and at one time did intend to trouble the House with quotations, which are very voluminous in respect to this matter. Commencing, I think, in July or August, and going on up to the time that the House was called I myself fell in with some forty or fifty items which I cut out, all going to show that dissatisfaction existed with regard to the working of the proceedings here, and, while there was a difference of opinion as to a remedy, all agreed that some remedy was necessary. I did not trouble the House to read these, but I have

them here, and I will be happy to show them to any gentleman who is not willing to take my statement on the subject. Since the matter was mentioned in the House the subject has been very generally discussed in the press and the proposition has met with general approval from all quarters—I mean public appproval. In addition to that I have heard from a great many distinguished men of the country whose opinions would commend themselves to every one who knows them. All with one voice speak in favor of the proposed change. Some would desire to go further than I proposed and further than I think it would be safe or prudent to go, but all *una voce* speak in favor of the proposed change. I may mention some of them —the very Rev. Principal Grant, Chief Justice Wilson, Hon. Sir William Richards, Dr. Smith of Galt, Goldwin Smith, Judge Rose, Dr. Fraser, late moderator of the Synod and a number of the most distinguished men in the country have addressed me on the subject all in strong approval of the change that is proposed. With regard to one or two of the points of change that were made in the Committee, I myself had originally retained the six months notice, but the Committee on what I thought and still think sufficient grounds considered that three months would now represent the six months at the time the rules were passed. I assented with the others to the change that was proposed. With regard to the number of the Committee, I think on reflection that possibly nine would be better than seven. Whatever the House thinks proper I will be willing to accept. On conferring with one or two of my friends, who have had more experience than I have had, it was thought to be an inconvenient number in case there should not be constantly a full attendance. With regard to excluding any member of the Senate from taking part in the proceedings I never thought of it beyond this—the inconvenience of interpolating at a particular moment in a cross-examination that was going on, but I am not at all wedded to the change in that direction, and I am quite willing, so far as I am concerned, to assent to the alteration that my hon. friend from Quinte (Mr. Read) suggests. I am willing that the matter shall remain precisely as it is now and that every member of the Senate shall have the same right to be present at the Committee that he has now, trusting to his good judgment not to interfere at a critical time in cross examinations. I have taken some pains with this matter and am only anxious that our rules shall be improved and upon safe grounds. I bespeak for this work of this Committee a fair and candid consideration, a consideration such as I think it is fairly entitled to, having regard to the composition of the Committee, and a consideration that will be without favor, partiality or prejudice.

HON. MR. POWER—The hon. member from Sarnia, in moving the resolution which is now before the House, took occasion to refer to the vote which I gave yesterday. I doubt the propriety of the reference: I doubt his right to refer in terms of condemnation to any vote given at a previous sitting of the House by any member. I pass that by. If I caught the hon. gentleman's language correctly he said he was surprised that any member should vote as the minority voted yesterday.

HON. MR. VIDAL—You did not catch it correctly, I did not say that.

HON. MR. POWER—He said that his feeling as to the vote given by me a member of the Committee was indescribable. In order that the hon. gentleman should not go into the Committee suffering from such feelings through any action of mine, I wish to explain why I voted as I did yesterday. I do it, not through any feeling that I am suffering, but simply because the hon. member from Sarnia may be suffering. The reason was this: after the speech of the hon. gentleman from Toronto I came to the conclusion that, on the whole, the effect of the adoption of these rules in the form in which they were presented to the House would be rather to facilitate divorce than to render it more difficult. I did not feel very strongly on the matter at all; but weighing pros and cons in my own mind as well as I could, I came to the conclusion that would probably be the

effect of the adoption of the rules and I voted against it.

HON. MR. VIDAL—My hon. friend does not take his notes correctly. I did not say either of the two things which he has attributed to me. I merely remarked with reference to the vote that I was surprised at some of those who had voted—by no means that I was surprised that any had voted. Then I did not use any such term as "indescribable emotion." I said surprise was too weak a word to express my feelings —that amazement was the word.

HON. MR. CLEMOW—I certainly concur in the views enunciated by the hon. member from Sarnia respecting the efforts of this Committee in endeavoring to establish a code of procedure which will facilitate the consideration of cases of divorce likely to be brought before the Senate.

HON. MR. MILLER—That is not the object.

HON. MR. CLEMOW—The arguments of some hon. gentlemen are illogil cal from my point of view. They al-admit that so far no exception can be taken to the procedure. If such is the fact, then I cannot understand why there should be any particular cause for a change at the present time. One of the great reasons alleged, as I understand it, for proposing a change is that the promoter of a bill is instrumental in appointing his own committee. As I understand, the practice has been that the committee should be selected, not by the promoter of the measure, but by the Leader of the House assisted by the Speaker. I believe that has been the inv riable rule. I cannot understand for the life of me, that a gentleman who is charged with the promotion of a Bill should be considered as an advocate of that Bill. I contend that every gentleman who introduces a Bill in this House does so because he is obliged to do so from the position he occupies towards the party who is endeavoring to obtain the legislation from the Senate. Therefore, I think it a grave reflection on those who have been in the past promoters of these Bills. There are some propositions in these rules that I do not approve of myself. For instance, it is intended that there shall be but one Committee. Of course, if hon. gentlemen are willing to undertake the duty, well and good, but difficulties will arise from various sources. A large amount of the business of this House is transacted by the Committees, and unless hon. gentlemen attend their meetings, they have an imperfect knowledge of what occurs in the Committee rooms. Unless they attend and hear the arguments pro and con they cannot arrive at a satisfactory conclusion. I find that to be so myself. So in these cases of divorce: hon. gentlemen who attend the meetings of the divorce committees have an opportunity of seeing the demeanor of the witnesses and the way evidence is given, and are thus enabled to arrive at a correct decision, whereas if that evidence is merely placed in their hands, and they are not satisfied with it, discussions will arise in the House which may not have a very beneficial effect. Under all the circumstances, I think it would be highly desirable that members should have the privilege of attending the meetings of this as they do the meetings of other committees. However, that is a matter of detail, which I suppose can be dealt with when the Bill is referred to a committee of the whole House. The original intention was that the whole Senate should stand in the position of jurors—that the selection of the divorce committees should be made from the entire body, and that the duty of dealing with these divorces should not be delegated to seven or nine persons. You know how difficult it is now to obtain a quorum of a committee of nine; how much more difficult will it be to obtain a quorum if you reduce the committee to seven members. When the report is referred to a committee of the whole House, I hope some of the changes which I have indicated will be made.

The motion was agreed to.

In the Committee,

HON. MR. GOWAN moved that the first clause be amended by striking out "seven" and substituting therefor "nine."

HON. MR. ALMON—In the course of my medical experience I have observed that the more diseased and deformed the child and the less likely it is to live, the fonder it parents are of it. The hon. mover who proposes these rules, in the same way, is all the more attached to his bantling because it is so objectionable. He tells us that he has a number of letters from persons who approve of these rules. Now all these letters were written before the Committee considered the rules and are therefore of no value. I am not a lawyer, but I doubt if this House could divest itself of the power we possess under the Constitution. We are told that we may attend the meetings of this Committee. Of course we may. We may wear our own hats, and our own clothes, and we may eat our own dinners. We are told kindly that we may attend the meetings of the Committee, but we must not speak, Constitutional lawyers can tell me if we can divest ourselves of the right to speak in the Committee. You appoint here Committee, a quorum of which shall be four members, to deal with all the divorce cases coming before the Senate. As a general rule there are four divorce cases every session. and it rarely happens that any one of them is brought into the House until the session is half over. The first divorce Committee of this session met to-day. How can a Committee of four get through all the divorce business of a session ? Should the immense power of severing the holiest tie that exists be given to four members of the Senate? No one esteems the individual members of this body more than I do, but there are no four men in this House who should be allowed to settle all the divorce cases coming from the two great provinces of Ontario and Quebec. Instead of limiting the Committee to seven members, I would prefer that twenty-one should be appointed, that seven should be drawn from these for the first Divorce Committee, seven for the next and seven for a third, just as in the case of a jury. We know very well who the seven men would be who would be appointed on the Divorce Committee under these rules. I could name them, but I will not do so : in the first place, it would be invidious, and in the next place, you can name them as well as I can. Shall those four men have such extensive powers? I certainly say, no. I have read the other resolutions with a critical eye : I wanted to find fault with them, and I acknowledge that I could not. I think the hon. judge deserves great credit for the other rules, but the first one is a stumbling-block. Unless that is removed, I shall vote against the whole bill,

HON. MR. KAULBACH—My hon. friend has made this great mistake : he says the Senate has divested itself of its power. The Senate has not. The Senate has direct and absolute control of all the proceedings at every stage. With regard to the number of the Committee, I do not feel very strongly, but I believe that seven members would make a more efficient committee and would probably pay greater attention to the Bills brought before them than a larger committee would. I believe the inquiries and proceedings could be better conducted with the smaller committee. As regards Senators taking part in the meetings of the Committee, I do not hold strongly to the rule as it has been reported. On former occasions Senators have not unnecessarily obtruded themselves on the Divorce Committees. I am not tenacious of that part of the clause, and I am sure if a Senator came there having something to interpolate, essential to the inquiry, I am sure the sense of the Committee would be to give him power to do so.

HON. MR. ALMON—We cannot do that under the rules.

HON. MR. KAULBACH—Yes the Committee could. They could decide whether they would hear anybody on a point of law or fact. I want to disabuse the mind of any hon. gentleman who imagines that by adopting this rule the Senate would divert itself of any of its powers. We will have full and absolute control of matters at every stage of the proceedings : we are merely taking from the Senate the formalities which are gone through now before the House in a less efficient manner than they could be done before the Committee.

HON. MR. POWER—I wish to express my regret that the Chairman of the Committee should have moved this amendment. I think it would be on the whole more convenient if an amendment came from some one else, because the Committee were, with I think one exception, unanimous on this particular question. Now the reason why I think nine is not as good a number as seven is this: it may be remembered that one of the objections raised to making this a permament Committee was that it would withdraw from the general business of the Senate a large number of presumably the best trained minds in the House. That is a thing to be regretted; but if you increase the number of the Committee by two, you simply increase the mischief. If there are half-a-dozen divorce cases tried every session, as I presume there will be on the average, then you take nine of the best men of the House and put them on divorce cases and they will not have much time to attend to the general business of the House. The objections to a Committee of seven have not very much substance in them. Some hon. gentlemen talk of its being a very undesirable thing to entrust the important matter of divorce to a court of seven, but do we not see continually in the Provinces, where they have Divorce Courts, cases of divorce settled by one man.

HON. MR. ALMON—A judge.

HON. MR. POWER—The gentlemen who will be appointed to this Committee will include perhaps ex-judges and lawyers, men of legal knowledge and training probably nearly equal to that of the ordinary judges of the country; and I do not think there is the slightest reason why you should want a larger court than seven members.

HON. MR. HAYTHORNE—This point was argued at considerable length in the Committee of which I was a member. I myself was opposed to a quorum of four trying a case of this kind, and suggested that the quorum should be made five. I was met by the objection that quorums of committees always consist of one more than half of the Committee. Then the natural alternative was to increase the number of the Committee. That I think is the proper course to pursue. That motion was made in the Committee and lost on a division. The objection to it in my mind was that in a Committee sitting on cases of divorces four members would frequently differ two to two. It was proposed to give the Chairman the casting vote besides his own. That in my opinion was exceedingly objectionable, and it has not been done. By changing the Committee from seven to nine the quorum would be raised from four to five.

HON. MR. ALEXANDER—It will be in the remembrance of the House that in a case which came from the town of Whitby, the Vice-Chancellor gave a decision, with regard to the alimony of the wife who applied for a divorce, that surprised this House. That is an important fact to bear in mind—that men of great legal acumen and of very high standing even on the bench hold very different opinions with regard to such questions. I remember in this House we have had great differences of opinion as to doing justice between the parties to these suits. We have heard one Senator very strongly advocating the cause of the husband, another as strongly advocating the cause of the wife. I contend that safety lies in a large committee, and I implore the House to make the Committee and its quorum larger. I should be sorry to see this House leave to three or four members, one of whom might be the chairman of the committee, questions of such importance. We might bring upon ourselves the censure of the country because the chairman might prevail in the committee. Why should there be a quorum of only four in settling one of the most important questions with which this House could deal. The quorum shoul be at least 9 or 11, and there would be greater safety in 13. I have seen frequently one biased mind sway numbers of others, as we have known one jurymen to sway four or five others. Some men have very strong minds and others less strong minds: I implore the House to make the Committee large

and its quorum large. There are one or two men in this Honse I should dread seeing placed on a Committee with only four of a quorum. The hon. mover of these resolutions spoke of having received letters from all quarters approving of this movement. How could Principal Grant judge of what the hon. gentlemen was going to bring forward as a report ? Principal Grant is a gentleman highly esteemed, but not being a member of this House, cannot form opinions as to what this body should do in the matter. It is improper that the name of a clergyman should be used here to sway our actions. The hon. member from Barrie uses those letters, to try and exercise an influence over you. Such conduct is unseemly : it is unworthy a man of his age and unworthy a member of this House. We are here to judge these matters ourselves, from our own practical judgment, and we are too experienced to allow such miserable argument to influence us.

Hon. Mr. OGILVIE—I call the hon. member to order. Since he began to speak he has continually imputed improper motives to other members of this House.

Hon. Mr. ALEXANDER—I impute no motives to anyone.

The CHAIRMAN — I understood the hon. member to say that the course which the hon. gentleman from Barrie was pursuing was unworthy of him, and I should urge the hon. member not to take that line of argument.

The amendment was agreed to and the clause as amended was adopted on a division.

On Rule M,

Hon. Mr. McMILLAN—I have an amendment to add to Rule M, to provide that the minority on the Committee may bring in a report stating the grounds upon which they dissent from the report of the Committee.

Hon. Mr. KAULBACH—They have that right now.

Hon. Mr. McMILLAN—Then it will do no harm to insert it here. A case is virtually tried by the Divorce Committee, and gentlemen in the House are not, as a rule, well versed in the facts ; and if the minority of the Committee dissent upon any material point from the majority, it would be well for the House to be in possession of the fact.

The CHAIRMAN—I know of nothing that will prevent a minority from presenting a report.

Hon. Mr. VIDAL—Even if they had not the power, the minority are here in the House, and they have the opportunity, when the report comes from the Committee, to make any motion they like with respect to it or to state any material fact.

Hon. Mr. POWER—It is but just that the minority of the court shall have right to bring in a minority report.

The amendment was agreed to.

Hon. Mr. DICKEY, from the Committee, reported the report with several amendments.

Hon. Mr. GOWAN moved that the amendments be concurred in.

The motion was agreed to.

Hon. Mr. GOWAN moved the adoption of the report as amended.

The motion was agreed to.

BILLS INTRODUCED.

Bill (66), "An Act to incorporate the St. Lawrence and Adirondac Railway Company." (Mr. McKindsey.)

Bill (26), "An Act to confirm a certain agreement between the Grand Trunk Railway, the Canada Southern Railway Company, and the London & Port Stanley Railway Company." (Mr. Vidal.)

Bill (77) "An Act to confirm a certain agreement between the London and South-Eastern Railway Company and the Canada Southern Railway Company. (Mr. Vidal).

Bill (52) "An Act to amend the Act to incorporate the Maskinonge and Nipissing Railway Company." (Mr. Ross, of De la Durantaye).

The Senate adjourned at 5.20 p.m.

THE SENATE.

Ottawa, Thursday, April 12th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

SABBATH OBSERVANCE.

MOTION.

HON. MR. MACDONALD(Midland) moved :—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House, a detailed Statement of all the petitions, with the sources from which they have emanated, from the year 1881 to the year 1888, inclusive, praying for the better observance of the Lord's Day.

He said :—In bringing the matter before the chamber in the form in which it stands upon the paper. I do so as being in my judgment the best way of having it placed before the House, for the purpose of securing definite action which will result in the finding of a remedy.

If the statement asked for here were brought down this House would be simply astounded in having in such a tabulated form evidence of the extent to which this question has agitated the public mind. And if I add to the great volume of petitions which such a statement would exhibit the sources from which the petitions have emanated, this House would be convinced, if any doubt exists on the subject, that they came from bodies representing the intelligence, worth and influence of the country, from sources representing at least two millions of our population, that they came from Synods, Presbyteries and General Assemblies, from Quarterly and District Meetings, Evanglical Alliance Assemblies, from Annual and General Conferences, from Missions, from Congregational and Baptists Unions, from Councils, Municipalities and individuals, including the members of the Six Nation Indians, from many of these, oft-repeated year after year, praying that some remedy might be found for what they regard as a violation of the day of rest, and inasmuch as they see that the day in many places, and in every way is set aside, and consequently to that extent hurtful and therefore unjust to man. I say that if the statement asked for were brought down this House would be astounded at the facts which it would disclose.

We hear petitions read, think of them at the time, think possibly that they are very good, then they pass out of our mind and are forgotten. I hold in my hand the Journal of the Senate for 1884, and what do I find? I find on its papers the notices of petitions for the better observance of the Lord's day to the number of 326 petitions, two and in some instances more are from the same place, but it may safely be stated that from 300 distinct localities from the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, as well as from one of the Indian reservations, petitions were presented praying for such amendments to the law as may secure to the people the indisturbed and peaceful enjoyment of the Lord's day.

It will I think readily be admitted

that the consensus of opinion which called forth this array of petitions in one session was indicative of intense feeling and should have been met with some action which would have been a satisfactory answer to these prayers.

What was done? A Committee was formed to examine into and report upon the said petitions.

What did the Committee do? It sat and brought in its report, and that report was to the effect that in the opinion of that Committee the legislation prayed for falls within the jurisdiction of the Provincial Legislatures.

Now I apprehend the petitioners knew that; they did not want to be informed of the anomolous character of the law in connection with the observance of the Lord's day. Their petitions prayed for such amendments to the law as would secure the peaceful enjoyment of the day. I say they did not need to be told that the jurisdiction prayed for falls within the jurisdiction of the Provincial Legislature.

The names of eminent lawyers will be found affixed to the petitions, and it will be seen that the prayer of all these petitions is for amendments to the law.

It will not be denied that to the largest extent possible, the need of some uniform law is that which is clearly implied, if not expressed, in these petitions, and I hope that it will be a matter which can be demonstrated, that if this House has no jurisdiction as to companies or individuals in the management of their secular affairs, that it has jurisdiction over its own roads, that it has power to say that no individual or no corporation shall carry on its or their ordinary business upon the Lord's day, unless the Divine law has been abrogated, I do not think there can be any doubt upon that point.

The petitioners feel that In the Dominion of Canada there ought to be one Sabbath day. Not one for Quebec, another for Ontario, another for Nova Scotia, and yet another for New Brunswick, and that the largest number of men possible and horses might be relieved from labour, might enjoy the rest and the refreshment which the Divine Being intended that wearied men and animal should enjoy. And that no work should be undertaken, but those of mercy and necessity. We may boast about our institutions we please but until that boon—the boon of a restful Sabbath, is enjoyed by the people to the fullest possible extent, we are not in possession of one of the greatest blessings which a beneficent Being intended his creatures to possess in the enjoyment of a Sabbath which was made after man, and consequently for him, not made before him and he for it, I say the petitioners perfectly understood the anomalous character of the law.

They knew that there was one law for Ontario, one for Quebec, one for Nova Scotia, one for Prince Edward Island, one for New Brunswick, while the law of Great Britain applied to British Columbia.

They knew also that there were difficulties in the way of assimilating these laws, and those who were not extremists were ready to admit that there were great difficulties; and what they wanted then and what they want now, is that, as far as possible, the laws should be assimilated, and that it might be felt that throughout the Dominion there was one Sabbath Day.

I have before me the various Acts in the various Provinces.

That for Upper Canada, in the Acts of the Provinces and of Canada, not repealed by the Revised Statutes, is entitled, "An Act to prevent the profanation of the Lord's day," and is undoubtedly more comprehensive than are the Acts in any of the other Provinces.

That for the Province of Quebec is intituled, "An Act respecting the sale of goods on Sundays."

That for Nova Scotia is an Act of three clauses, and is intituled, "An Act of offences against religion."

That for New Brunswick has the same title, and has but one clause.

That for Prince Edward Island is more comprehensive, and is intituled, "An Act for the due observance of the Lord's day."

But none of these acts touch what in the estimation of the petitioners, are glaring violations of the day of rest, violations which disturb the peace of the day and which deprive large bodies of men from its rest and enjoyment. I refer to railroad and steamboat travelling as well

as to the needless transportation and handling of freight as well as to the work of the Post Office Department. It is to these three divisions that I purpose confining my remarks, and thereby greatly simplifying the question; and it is for the evils growing out of these for which I propose to ask that the Government should find a remedy.

I came to the consideration of these questions conscious of the difficulties which surround them, and may say at the very outset that personally I am not in accord with those who refuse to listen to anything but absolute cessation from all labor. That with the greatest desire to extend to every employée the blessings of an unbroken Sabbath day, I may state here that that, in my humble judgment, is simply impossible. He who declared himself to be the Lord of the Sabbath, has taught that not only should works of mercy and necessity be performed on the Sabbath day but that to neglect them, through any Pharisaic pretensions, would be criminal. So far, then, I do not sympathize with extremists. I think it would be an act of mercy to hasten animals to their destination, instead of having them cooped up in the unhealthy condition in which they are transported. I can understand that fruit trains (and I can imagine this trade growing to large proportions) and other goods equally perishable, ought to be allowed to proceed to their destination.

The necessity for labour in the event of snow blockades and accidents will surely appear to most people as something which ought to receive immediate attention.

So, in like manner, all works of mercy: Conveying help to burning districts or flooded districts, or in other conditions equally needed, though not particularized.

I can even understand the need of relieving the road from a conjested condition, and I can imagine this to be necessary in the interests of the safety of life by having the road unobstructed for passenger traffic.

Having said this much and established my own position, which, I take it, will not be regarded as unreasonable, I must say, and say plainly, that I am at a loss to conceive why passenger trains should be made up on the Sabbath day. This is one of the objections of which the petitioners complain, and one which they think ought to be removed; and so far as those passenger trains can be regarded as being run in the prosecution of the ordinary business of the company or companies, I am at a loss to conceive how it is that the Government has not the power to prevent the running of such passenger trains, and, having the power, why it does not exert it?

What serious loss would the passenger sustain by starting on Monday morning instead of Sunday evening? I am not prepared to admit that he would sustain any loss, but I am prepared to state that he would, in one of the most essential elements of travelling—that of safety—be an infinite gainer. He would be in a car not managed by over-worked men, but men who had rested on the Sabbath day—stoker, engineer, brakesman, conductor; not men who had rested only, but men who had respected the day, and therefore all the more efficient and all the more reliable. Rest assured that God's day cannot be broken with impunity, and the company that honors God by regarding His day, as compared with the company that does not, will in the very matter of accidents and consequent loss be an immense gainer. The same remarks apply to steamboats, whether on lakes, rivers or canals. I am aware that in relation to canals there are differences of opinion, some contending that it is better to allow vessels to pass through on their voyage than to allow the congregating of masses of men to collect, whom many claim do by their temporary stay more harm than good. The question is one certainly open for discussion.

Then as to ferry boats the law in some of the Provinces would clearly prevent such boats from plying on the Sabbath day, unless it could be shewn that such ferry boats were conveying persons to and from church, and yet this very provision enables such ferry boats to carry two per cent., of its passengers to service, and ninety-eight per cent., of its passengers for pleasure.

I come now to the question of the post office department. Here clearly there is Dominion jurisdiction. It is in the power of the Postmaster General to

order the closing of every post office in the Dominion on the Lord's day and what, some one may be ready to enquire, would be accomplished by sucy a procedure? Why this simply: that every employee in the post office department would enjoy the day of rest which the Divine Being intended he should enjoy. Impossible, says one, what shall we do if we did not yet get our letters? do just what other people do, without them and be all the better for the experiment. But the same statement is repeated, and the only one apparently which objectors can use "impossible!" Well, all that I can say is that it is possible in the great metropolis of the world. It is possible in London, with its five million of people; not a post office cart to be seen on the streets; not a postman to be seen on his rounds; not a letter delivered in any part of that vast metropolis. There, where every shade of religious belief is found; there, where the busiest men in the world are found; there, where men with the most pressing business are found; but for letters they must wait. Has this public observance of the day not something to do with the marvellous order which prevails in the largest city which the world has ever seen. Surely that which has been found to be good for them cannot be bad for us. Surely that which has been found possible there cannot be regarded impossible here. I say the Postmaster-General has it in his power to close every post office in the Dominion. Let the example be set by both Houses of Parliament. What deprivation would it be to any member of Parliament if he did not receive letters from his constituents relating to departments into which he could not enter if he felt so disposed? What deprivation to him if he did not receive the letters from his family which he was expecting to receive? True, I may be told that there might be cases of sickness, but surely this should not be deemed a sufficient reason to keep all the employeés of the department on duty for one, or two, or three such cases when the telegraph could be available, which, with a diminished staff for the day, I admit might be necessary.

What harm would it do Ministers of the Crown if they would simply lay all official correspondence aside on the day of rest! Only this: simply that they would come to the discharge of their duties with greater zeal, with clearer intellects, and in every respect better equipped for the work of the week which lay before them. Indeed how can hon. gentlemen who present petitions from their constituencies praying for the better observance of the Lord's day, including in the request the closing of the postoffices, be consistent unless they are ready themselves to aid in carrying out the arrangement; and how can they do this if they think that exception should be taken to the postoffices in the Commons and the Senate? I know that in reference to railway travelling that I may be told that it is a matter of contract between the employer and the employeé, and that if a man, undertakes to work for a consideration upon the Lord's day for any company, that then the government are unable to interfere. That of course is a question of law which I cannot undertake to settle. It is a question I know upon which the public mind is much exercised and from which they expect from the government some deliverance. This I know further: that the man who voluntarily and for gain for himself and the company undertakes to work on the Lord's day is neither the safest man for the passengers or the company. The safe man is the man who would not work for any company which would make it a condition that he must work on the Lord's day, yet who would willingly work on any Lord's day, or any every Lord's day, when the character of such work shewed it to be a work of necessity. Such a man is the safest man for the Company; is the safest man for the public. The great mass of the people are looking to the Government for some measure which will render a large portion of the work on railroads, steamboats and post offices now carried on, impossible, so that hundreds and thousands now engaged in those works may be enabled with their families to enjoy the day of rest.

They don't want to be told as they have so often been that this House has no jurisdiction. It has been shewn that

in one department at least it has jurisdiction, let it apply that, and let the hon. leader of the Government in this House, with his clear perception, fully realizing that all people of this country are clamoring for this change, give the assurance that it will have his early and careful consideration, and I am greatly mistaken if the result will not be to a very large extent a harmonizing of all the laws in all the Provinces on the laws which relate to the better observance of the Lord's Day.

I have no desire that the labor of preparing this statement for which this notice asks should be undertaken, or that the expense of printing the same should be incurred, my purpose has been answered by the opportunity which the notice has afforded me of bringing this matter before this Chamber, imperperfectly as that has been done, and for the conviction which I have that that which for years has engaged the public mind, is about to occasion attention. But I have this to say—the people of this country are not going to be longer satisfied with the statement that this House has no jurisdiction. The people of this country are not going to be quieted with that answer. The best people of this land say let a remedy be found. The ablest people of this country say this House has jurisdiction. That it has in the case of post offices is very clear. That it has in its power to prevent individuals or corporations from following their worldly pursuits upon the Lord's Day is equally certain. What the petitioners ask for is that that power should be exerted, and that a change should be brought about which would be of benefit to all the parties concerned. To the company in making their business more profitable by their freedom from accident, the necessary sequence of employing over-wrought men. To the travelling community by giving them consequently the assurance of greater safety. To the shareholders in securing for them better dividends. To our country the enviable reputation of being a nation which honors God in the observance of His day. And to the thousands of our countrymen, who have now the alternative of working on the Lord's day or leaving their employment, the blessing, the enjoyment and the happiness of the day of rest.

Hon. Mr. ALEXANDER—When I entered this Chamber to-day it had entirely escaped me that my hon. friend from Toronto had placed this notice on the paper. I am sure that this House must always listen to the views he expresses upon every subject with the greatest respect. We all know that his life has been throughout consistent. His great enterprise has been crowned with success, and he has ever given freely to the poor wherever they are to be found. His charities have not been of a limited character but have been bestowed upon every church that is striving to see God's will carried out upon earth. No one can stand higher in the esteem of the people than the hon. gentleman from the Midland division—and some were even surprised that he allowed the first Minister of the Crown to place him in this Chamber. While I say this, I deeply regret to be obliged to differ from the views he has just expressed. When I see a man so consistent in his past career, expressing views so clearly and so satisfactory to those who agree with him, I state my own views with great diffidence, but I have since my early youth travelled in many foreign lands and viewed Christianity from many standpoints. I have lived under almost every Crown in Europe. I have lived under the King of Prussia, under the King of Bavaria, the Emperor of Austria, under His Holiness at Rome, and I have seen the worshippers of Christ under almost every government in Europe. My first visit on the continent of Europe was to the Dukedom of Weimar. I spent many months near where Luther lived,—where he translated the Bible and introduced the Reformed Church of Germany, and I had the happiness and privilege of living with one of the most distinguished ministers of the Lutheran Church, Herr Adjunctus Klugé. No such views as my hon. friend from Toronto would desire to prevail here in Canada, were entertained there. We know that our Protestant Churches in Canada hold the views that my hon. friend has so ably and clearly laid before this House. They say that there

shall be no railways or steamboats run, that the post offices and telegraph offices shall be closed on the Sabbath. Does the hon. gentleman forget that the Jews reproved our Saviour for plucking the ears of corn on the Sabbath Day? Every line and verse of the New Testament is familiar to him. The Jews even reproved the Son of God for many acts that did not accord with their view; and if the advocates of the temperance cause had lived at that period they would perhaps have reproved our Saviour for converting water into wine at the marriage feast in Gallilee. Yet modern Christians are now asking for legislation to carry out their particular views. I was born in the town of Banff, where the whole population, except my own family and about twenty others (who attended an Anglican chapel), were followers of Knox; yet, there in Scotland, the post offices some sixty years ago were open every Sunday after church for half an hour, from 1828 to 1832; but our Canadian people desire to be more strict, than they were there in the north. They believe that they shall best carry out the will of God by preventing our toiling population who, from their circumstances, are obliged to work during the week in heated rooms and close atmosphere, from going on Sundays by steamboat or railways or horse cars into the country to breathe the air of heaven that God so mercifully has sent them. Does that appear a reasonable interpretation of the religion which our Saviour expressed before the world? When I went to live with the good Lutheran clergymen, to whom I have referred, I asked "how will your views quadrate with ours in Scotland and England as to the way you pass the afternoons of the Sabbath day?" He replied. "God "in his infinite mercy and loving kind- "ness created man in his own image to "live a pure and godly life here below, "enjoying all the blessings of health and "strength, carrying his Maker with him "in his daily life. God should be ever "present in all his thoughts to guide him in "every act, and life will then be a blessing." He enjoins us to be temperate in all things that we shall not destroy health. No more degrading vice than gluttony. Man must refrain from vice—from every vice and from wrong doing — because vice blights and destroys all happiness of life. As our Saviour said, the whole law is to live according to God's will upon earth, and to love our neighbor as ourselves. After having lived 74 summers I hold conscientiously the view that the toiling masses should be afforded a reasonable opportunity of once a week breathing the fresh air of Heaven in the country, where the air is pure—if this can be accomplished, without injury to society. If our Saviour were today on earth, some might perhaps reprove him if he attempted to perform his first miracle at Cana in Galilee. What we want is that the people shall carry out the law in all things, that they shall act towards their neighbors honestly and truthfully, fairly and justly. We do not care about seeing a population which, while strictly preventing the running of street cars, railway trains and steamboats on the Sabbath, are given up to dishonest ways during the week,—to taking advantage of each other, whenever they can, until sharp practices become the rule. As a friend of mine said to me once, while coming down from the west: "The fact is, we are fast coming to a state of things which is deplorable. We see holy, sanctified men committing the dreadful crime of destroying bank accounts to escape the payment of their debts." Does Christianity permit two men to take the property of others, to enable them to live arrogantly in parks and costly mansions, with a brazen faced hardihood, while their acts are almost worse than the inmates of the Kingston Penitentiary—braving and outraging every sense of right? While they enjoy the fruits of their dishonesty and crime, a hundred families are dying broken-hearted in the hospitals and poor-houses, having been brought to want by the vile acts of such men, who profess to be men of God. And that is what is called the religion of the modern world. Good God, what a state of things! We have men in our midst, occupying the highest positions who are deeply steeped in such crime. Should they not be brought to justice and made a public example of, as a warning to others?

I beg my hon. friend from Toronto to go to Eisênach, the centre of the Luther-

an world, and see how the Germans live. He will not meet a German peasant who will speak of God except as "the good God," "the merciful God," the God of merciful, loving kindness, who wishes all his creatures to be happy, the God who desires the happiness of mankind. Even the Scotch are becoming more enlightened. They are beginning in Edinburgh to take a less severe view of the question. They begin to feel that religion does not consist in a mere severe observance of certain iron rules, but it lies in worshipping God with all our heart and soul and strength, and loving our neighbor as ourselves and enjoying in a lawful and innocent manner all the blessings that God has showered upon us. That is religion, and that is the social life that will lead man to do God's will and pass through life happily and properly.

Hon. Mr. HAYTHORNE—I sympathise sincerely with the object which the mover evidently had in view when he brought this question before the House, although I am doubtful somewhat of the expediency of the means by which he proposes to attain that end. We are living now in Canada in a very artificial state, and to carry out the idea of closing the postoffices, and closing the business of railways and steamboats absolutely on Sunday would be almost an impossibility. We must recollect that steamboats particularly, and railway trains, cannot arrive just at the particular hour they would perhaps if the officers could choose their own time to arrive. They cannot command those things at all times and it would be a very great hardship if passengers coming off a steamship after crossing the ocean were obliged to remain on board until Monday morning. You might perhaps deal with the mails as you please, but it would be a great hardship to passengers to say that they shall not proceed on their journey on land until the following day. I remember not so long ago that I landed on a Sunday in the great Port of Liverpool, and the steamer from which I debarked was not the only one which arrived a little before noon on that Sunday. It would have been a great hardship to say that the passengers who had arrived from America that Sunday forenoon should have to remain on board until Monday morning; yet to land them it was necessary to employ the services of Custom House Officers, of street cabmen and others connected with such an incident. But I think it is quite possible to do those things in an inoffensive and not irreligious way. The time may not be long until the cities of Canada will have arrived at such a pitch of civilization and wealth, that their population and traffic will not be far behind those of Europe; but even in Liverpool, that great city, I observed that people are careful in their observance of the solemnity of the day. I noticed in driving from the docks to my hotel that in passing any church where divine service was proceeding, the cabmen slackened their pace to a walk, so that no congregation would be disturbed by the rattle of the wheels. There is a recognition of the sanctity of the Sabbath carried out in a large city by the drivers of public conveyances. I do not think, as far as I have had an opportunity of observing it in my own Province, that there is very much to complain of in the observance of the Sabbath, either in the towns, which are of course comparatively small, or in the country. It is often necessary with us that the railways should be used on Sunday. We have no way of connecting with the railway trains on the mainland unless we are prepared sometimes to travel on Sunday; but I have observed on several occasions that when it does become necessary to start a train with mails and passengers from Charlottetown on the Sabbath day, they are so timed that they wait until 12 o'clock p.m., when the Sabbath day may be said to be over, and the trains and passengers proceed on their journey. It has often been the case that my colleagues, as well as myself, have been compelled to cross the straits on a Sunday, and I have seen as many eight boats, with nearly a hundred persons, crossing on a Sabbath. That depends entirely on the weather. These boats had been waiting, perhaps, for days for an opportunity to cross, and I have been very thankful to be able to do so even on the Sabbath day. We would not have chosen the Sabbath for crossing, but when the occasion occurs,

we do not consider ourselves as committing a sin for availing ourselves of it. The hon. gentleman from Toronto has alluded to the service of ferries. As an instance of the great difficulty in carrying out any measure such as he describes, I might state that the City of Charlottetown is built on an arm of the sea, such a site as is often called by the French "Three Rivers"—a place where three rivers debouch. The consequence is, that ferries are necessary there. The law provides that those ferries shall carry passengers free at certain hours on the Sabbath day, and it is quite a common thing on Sunday forenoon about half-past ten o'clock to see a considerable number of passengers crossing to worship, and returning to their homes by the same means. This is done for the convenience of persons attending public worship, and to prohibit absolutely, without proper precaution, use of ferries on the Sabbath Day would lead to great confusion and great hardship. I said, in my opening remarks, that I sympathise generally with the hon. gentleman's arguments so far as the observance for the Sabbath Day is concerned; but it is my opinion that, although you may shut down the use of railways on the Sabbath, and you may prohibit the running of steamboats and throw difficulties in the way of ferry service, still you will find that although the Sabbath might not be broken in that particular way, it would be broken in others. The men who profane the Sabbath on railways and steamboats by making the seventh day a day of pleasure, and using those conveyances as its instruments, are not to be made religious by simply prohibiting them from the enjoyment of their usual luxuries and amusements. The remedy is I believe of a different kind altogether. The population of the Dominion must be more religiously taught, and when they find in their inmost hearts that they can be happier by a proper observance of the Sabbath than by their old line of amusement, then will be the time that the Sabbath will be better observed in Canada. You may prohibit by law the running of public conveyances by land and water on the Sabbath, and thus effect a change in the manner of spending that day, without improving the habits of those who formerly used those conveyances. The morality of the people must find a firmer basis than an unwilling obedience to law—when that change occurs, the demand for public conveyances will diminish. You cannot make people righteous by law, any more than you can make them sober or chaste by law.

A QUESTION OF PRIVILEGE.

HON. MR. ALEXANDER—Before the Orders of the day are called, with the kind permission of the House I rise to make an explanation. During my absence yesterday, the hon. Senator from Toronto, whom we all respect and esteem, made a statement to which I desire to refer.

The hon. gentleman charges me or the reporters with having eliminated that part of the debate which made an impression upon the hon. gentleman's mind that I had really and truly called in question the administration of the Ex-Mayor of Toronto, Mr. Howland, and that I made some extraordinary remarks with regard to the character of the people of Toronto generally. This is an exceedingly grave charge to make against a man. It is a charge of dishonor against any gentleman that he could be guilty of eliminating any part of his remarks which led to a subsequent debate. That is a very grave charge to be made by a gentleman of such high standing in the religious world. I know that the House will grant me its usual indulgence to make a simple explanation of what occurred.

Now, I ask if any hon. member of this House can say that I in any way criticised the administration of ex-Mayor Howland? Was there one word from me, that in any way reflected upon the honor and integrity of the great body of the citizens of Toronto? Did I not use these words: "that no man was better qualified to state on the floor of this House, that the people of Toronto generally would compare with those of any other city of the Dominion as regarding their integrity?" Did I not use those words on the floor of the House, and it is to be regretted, that through my imperfect way of expressing mysel then-

hon. gentleman had in some way received an erroneous impression that I had said something which could be construed into a criticism of the administration of ex-Mayor Howland who is one of my oldest friends? His father, the late Sir William Howland, and his family were among the best friends I ever had in the world. The *Empire*, which is the organ of the Government, and certainly it is not a newspaper that would be inclined to speak too favorably of me, publishes from its correspondent here a report that gives me credit for what I said, and never for a moment hints that I uttered a word reflecting on the honor of the people of Toronto. What I did say was that a considerable number of tramps had come into the country, whether from the worst cities of the United States or elsewhere, and I suggested that the Government should try to check that dangerous class of criminals.

It is a grave matter that a man cannot walk up Beverly street or Jarvis street, two of the finest streets in Toronto, without danger of being sand-bagged and robbed of his watch, and I suggested to the Government that they should, by legislation, authorize the application of the lash to criminals who attack a man and knock him down for the sake of what plunder they may find on him. Such criminals do not dread simple imprisonment. They get food and lodging for nothing. Knowing the sterling character of my hon. friend from Toronto, and that he would not intentionally do an injustice to anyone, I am quite sure when he hears the explanation, that I never intended to say one word reflecting upon the administrative acts of Mayor Howland, he will believe me.

HON. MR. MACDONALD—I have never said that the hon. gentleman did. I claim that his remarks were directed against the gentleman who now occupies the civic chair, but he never said a word against ex-Mayor Howland.

HON. MR. ALEXANDER—I do not know the present mayor even by sight, and I have not resided latterly in Toronto owing to bad health. I am very sorry that my hon. friend labored under a misapprehension. I am sure he would never have the remarks that he did if he had not misunderstood me, and it is likely that it is my fault. From age my memory is very bad, and very often my hearing and sight are not good. I am perhaps somewhat to blame in the matter, but I never could have said anything against the City of Toronto generally because I have received the greatest kindness from its people.

MORRISON DIVORCE BILL.

PETITION READ.

HON. MR. MCKINDSEY presented the affidavit of service of the notice and a copy of the notice as published in the *Canada Gazette* that Catherine Morrison would apply for an Act to dissolve her marriage with her husband, John F. Morrison.

The affidavit and notice was read.

HON. MR. MCKINDSEY moved that the petition of Catherine Morrison be read and received.

The motion was agreed to.

TUDOR DIVORCE BILL.

SECOND READING.

The Order of the Day being read for the second reading of the Bill intituled: "An Act for the relief of Eleonora Elizabeth Tudor," and that the Petitioner do attend at the Bar and be heard by Counsel.

HON. MR. OGILVIE presented to the House, the Certificates of the Clerk of the Senate, which was read at the table.

HON. MR. OGILVIE moved that Samuel William Pratt be called to the Bar of the House to be sworn and examined.

The motion was agreed to.

Samuel William Pratt was then called

to the Bar of the House, and being sworn, was examined as follows :—

Q. What is your name, place of residence and occupation?

A. Samuel William Pratt, of the City of Montreal, in the Province of Quebec, Law Clerk.

Q. Look at the paper now produced and shown to you, marked "A," intituled: "An Act for the relief of Eleonora Elizabeth Tudor," and at the paper writing now produced and shown to you marked "B," being an Order of the Senate dated the 28th day of March, 1888, both writings being certified by the Clerk of the Senate; did you serve copies of these writings "A" and "B" with the certificates thereon of the Clerk of the Senate upon any person, and if so, upon whom, and on what day and date, and at what place?

A. I served true copies of the writings now produced and shown to me marked "A" and "B" respectively, with the certificates thereon respectively of the Clerk of the Senate, upon Frederick Levy Hart, in the City of Montreal, in the Province of Quebec, upon Tuesday, the third day of April, 1888.

Q. State the particular mode in which you effected such service?

A. I served the said copies of the writings "A" and "B" on the said Frederick Levy Hart personally, by handing the same to him and leaving the same with him then and there.

Q. Do you know the said Frederick Levy Hart?

A. I know the said Frederick Levy Hart and have known him by sight for two or more years.

Q. Is the person Frederick Levy Hart, upon whom you served copies of the writings marked "A" and "B" respectively, the same Frederick Levy Hart who is named in the said writings respectively, and who is therein styled the husband of the said Eleonora Elizabeth Tudor?

A. He is the same person.

Q. Did you compare the said duplicate copies of the writings "A" and "B" with the said writings respectively and ascertain that they were true copies?

A. I compared carefully the said copies of the writings "A" and "B" with the said writings respectively, and I ascertained that they were true copies.

The witness was directed to withdraw.

THE SPEAKER informed the House that Eleonora Elizabeth Tudor, the Petitioner in this case, was in attendance below the Bar, ready to be examined by the Senate generally or as to any collusion or connivance between the parties to obtain a separation.

HON. MR. OGILVIE moved:

That the examination of the Petitioner in this matter, as well generally as in regard to any collusion or connivance between the parties to obtain a separation, be for the present dispensed with, but that it be an instruction to any committee to whom the Bill upon this subject may be referred, to make such examination.

The motion was agreed to on a division.

HON. MR. OGILVIE moved:

That the Bill for the relief of Eleonora Elizabeth Tudor be now read the second time.

The motion was agreed to on a division.

HON. MR. OGILVIE moved—

"That the Bill be referred to a Select Committee composed of the Honorable Messrs. Macfarlane, Ferrier, McKindsey, Boyd, Read, Sutherland, Macdonald (Midland), Macdonald (B.C.), and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records, and examine witnesses on oath, and that all persons summoned to appear before the Senate in this matter appear before the said Committee, and that the said Committee have leave to employ a shorthand reporter.

The motion was agreed to.

PONTIAC AND RENFREW RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (42), "An Act to incorporate the Pontiac and Renfrew Railway Company."

He said—This Bill is for the construction of a line of railway to connect with the Canadian Pacific Railway. It is a short Bill and the Company ask for no special privileges.

The motion was agreed to and the bill was read the second time.

CHATHAM JUNCTION RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. LEWIN moved the second reading of Bill (64), "An Act to incor-

porate the Chatham Junction Railway Company."

He said:—This Bill authorizes the Company to purchase the present Chatham Branch Railway from the proprietor who, I believe, is a private individual, and to extend the same to the banks of the Miramichi River; also to extend a small branch up to the town of Nelson, which is also on the banks of the Miramichi. It is one of the ordinary railway bills from the House of Commons.

The motion was agreed to and the Bill was read the second time.

WOOD MOUNTAIN AND QU'APPELLE RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. McCLELAN moved the second reading of Bill (63), "An Act to amend the Acts relating to the Wood Mountain and Qu'Appelle Railway Company."

He said—This is a very short Bill, the object of which is to extend the time for constructing the first section of the road.

The motion was agreed to and the Bill was read the second time.

BRONSONS & WESTON LUMBER COMPANY'S BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (27) "An Act to incorporate the Bronsons and Weston Lumber Company."

He said—This Bill is to incorporate certain gentlemen carrying on business in this city. They ask no special privileges, and as there is nothing unusual about the Bill, I presume there will be no objection to the motion.

HON. MR. ABBOTT—There are some features in the Bill to which I would like to call my hon. friend's attention before the Bill is considered in Committee.

The motion was agreed to, and the Bill was read the second time.

BILL INTRODUCED.

Bill (16), "An Act to incorporate the Chinook Belt and Peace River Railway Company." (Mr. Sanford.)

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Friday, April 13th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (G), "An Act for the Relief of Catherine Morrison." (Mr. McKindsey.)

BRITISH COLUMBIA EXPERIMENTAL FARM.

INQUIRY.

HON. MR. McINNES (B. C.) inquired:—

"Has the Government selected the site for the British Columbia Experimental Farm? If so where, and when will it be established?"

He said—Over two years ago the Parliament of Canada passed an Act providing that Experimental Farms should be established in each of the seven Provinces of the Dominion, and also providing for the establishment of one or more in the North-West Territories. A few months after the Act was passed the Government deputed Professor Saunders, who is in charge of the Central Experimental Farm, to proceed to British Columbia and make a selection of a suitable site for an experimental farm there. To my personal knowledge, he visited several of the most suitable places on the Island of Vancouver and also on the mainland. He visited the thriving and prosperous settlement of the north arm of the Fraser River, the farm lands in the immediate vicinity of the City of New

Westminster, the Coquetlam, Maple Ridge, and the Agassiz settlement. All these places are on the north side of the Fraser River and immediately along the line of the Canadian Pacific Railway. On the south side of the river he visited the settlement of Hope, Chillewhack, Sumas-Langley, and the south arm of the Fraser River known as the Delta Municipality, where, I have no hesitation in saying, one of the finest agricultural settlements in Canada is to be found. Professor Saunders first visit was in the fall of 1886. We were at that that time in hopes that only a very few months would be allowed to pass before a selection would be made and a farm established, but another year passed, and nothing was done, and the same worthy gentleman was again despatched to the Province, on a similar mission, and revisited all those places that I have mentioned and, I may add, several places in the interior of the province, in the neighborhood of Kamloops. The last visit he paid was in December, 1887, and we were then assured that the selection would be made and that active operations would go on early this spring, but I regret to say that nothing had been done, as far as I am aware, up to the present time. That is why I have put this question on the order paper. I hope my hon. colleague from Victoria will not consider me sectional or unkind if I say that in my judgment the most suitable by far of any of the sections visited by the Professor for that desirable institution, is the lower valley of the Fraser, for the following reasons: The valley of the Lower Fraser is the most central and convenient locality in the province. Its climate is a medium between the somewhat warmer climate of Vancouver Island and the more severe climate of the interior. It is a mistake to speak of the climate of British Columbia: the province has an area of 341,000 square miles and consequently we have different climates in different parts of British Columbia. The climate on the coast is different entirely from that of the interior and consequently I claim that climatically as well as geographically the lower valley of the Fraser is by all odds the most suitable because it would be taken as a means between the two extremes. Another reason why I consider that section of the Province the most suitable place for the experimental farm is that the largest body of good agricultural lands to be found in the province, is in the valley of the lower Fraser. We have nearly three quarters of a million of prime land all of which I believe at no very distant day will be very largely covered with choice orchards, something for which the climate and the soil peculiarly adapt it. A third reason why I claim that it would be more suitable than any other locality in the Province is that it is on the line of our trans-continental railway. The incoming settler could visit it without being put to any unnecessary delay or expense and would at a glance see the farming and horticultural capabilities of our young Province. For these reasons I think I am justified in stating that the locality which I have mentioned extending over a distance of some 60 miles, is the proper place for the proposed farm—in fact any of the places I have named I consider would be admirably adapted for it. A few days ago, when my hon. friend, Dr. Schultz brought a similar matter before the notice of this House, hon. gentlemen will remember that he laid particular stress upon the necessity of establishing this Experimental Farm in Manitoba, in order to test the capability of that country for fruit growing. Unfortunately, up to the present time, as I understand, nearly all attempts at fruit culture in Manitoba have been a failure. In that respect I am happy to say that British Columbia is entirely different, and I have no hesitation in saying that as far as the hardier fruits are concerned—apples, pears, plums, cherries, gooseberries, strawberries and raspberries—we can challenge the world. I believe that there are no finer fruits grown, or can be grown anywhere, not only as to size but as to quality.

HON. MR. ALEXANDER—Grapes?

HON. MR. McINNES—I am not quite so sanguine about the success of the grape culture in our province. It is true that in many portions of British Columbia we grow grapes, but I am satisfied that if the same attention and

care were paid to the cultivation of the vine as elsewhere, and proper selections were made, it would be at least equal to the most favored portions of Ontario. Of the eight experimental farms that the Act to which I have referred provides for, I believe I am correct in saying that only one has so far been establishad, namely, the Ottawa, or central one. A great many people in my province are becoming somewhat restive and discontented in consequence of the delays that have taken place in making a selection and beginning actual operations on the farm. They are so far away from the the seat of Government, and not aware of the slow process of doing things here, that they cannot understand why it is necessary that two or three years should be occupied in making a selection after the visits of the very able and competent gentlemen appointed by the Government to select the site. Some of the extra restive and dissatisfied spirits are cruel enough to say that the Act was only passed on the eve of a general election for a political purpose, and doubt very much whether the farm will be established at all, or, they say, if it is established it will be delayed until the eve of a general election. I hope such is not the case. I do not believe it is the case, but I am merely stating what a number of those naughty people in the far west say and think. In order to remove that doubt from their minds the Government should lose no more time than is absolutely necessary in making the selection and establishing the farm. Having called the attention of the Government to this matter I hope that I will receive the answer from the Minister that a selection has been made and that active operations will begin forthwith.

Hon. Mr. ABBOTT—I am sure my hon. friend will regret the strictures he has passed on the Government when I make the answer that I am about to give to the question. The Government, as he correctly states, took great pains to ascertain where the best place for the Experimental Farm was, and I believe they decided upon a tract of territory which has been described by the hon. gentleman as the best in British Columbia for that purpose. The answer which I have to give to the inquiry is as follows: The site for the Experimental Farm for British Columbia has been selected adjoining the Agassiz station on the Canadian Pacific Railway: three hundred acres of land have been purchased from the Agassiz estate. Preparatory work will commence on this farm as soon as practicable.

Hon. Mr. McINNES—This year, I presume from that.

Hon. Mr. ABBOTT—I suppose so.

Hon. Mr. McINNES—I am delighted to hear it.

THE COMMITTEE ON DIVORCE.

MOTION.

Hon. Mr. ABBOTT moved that the Select Committee on Divorce be composed of the Hon. Messrs. Dickey, Gowan, McFarlane, Kaulbach, Read, McClelan, Haythorne, Ogilvie and Macdonald (British Columbia).

Hon. Mr. HAYTHORNE—I wish to draw the attention of the leader of the Government to the circumstance that amongst the names mentioned not one member of that committee belongs to the medical profession. As far as my experience in serving upon such committees goes, I have found that the greatest assistance is to be obtained from members of that body, and it seems to me that the selection—though I do not pretend to find fault with it—would be better if a member belonging to that learned profession were included in the list submitted to the House.

Hon. Mr. ABBOTT—I can only say that in framing the list I endeavoured to cause the committee to be composed of hon. gentlemen who are experienced such matters, the most of whom haa been a long time members of the House, men of calm, good judgment, who would probably give to the new rules a good start, and put them in a correct grove for future work. It did not occur to me that there would be any special advan-

tage in having a medical man on the committee. If an occasion should arise for medical advice, I presume that the difficulty might be easily got over. I do not exactly see how I could ask the House to strike out any of those names and substitute it for the name of a medical man. I should have difficulty in selecting the gentleman whose name should be struck out. If the number were a little more elastic I should have great pleasure in adding a medical gentleman, but I confess it did not occur to me. I may say that I have consulted quite a number of hon. gentlemen in this House as to the composition of this Committee and have endeavored, as far as I could, to meet what I understood to be their wishes and judgment as to the members who are to compose the Committee.

SECOND READINGS.

Bill (66), "An Act to incorporate the St. Lawrence and Adirondack Railway Company."—(Mr. Bolduc.)

Bill (26), "An Act to confirm a certain agreement made between the Grand Trunk Railway Company, of Canada, the Canada Southern Railway Company, and the London and Port Stanley Railway Company. — (Mr. Vidal.)

Bill (77), "An Act to confirm a certain agreement made between the London and South Eastern Railway Company, and Canada Southern Railway Company."—(Mr. Vidal.)

BILLS INTRODUCED.

Bill (23), "An Act to reduce the capital stock of La Banque National." (Mr. Bolduc.)

Bill (51), "An Act respecting the Federal Bank of Canada." (Mr. Macdonald—Midland.)

The Senate adjourned at 4:10 p.m.

THE SENATE.

Ottawa, Monday, April 16th, 1888.

THE SPEAKER took the chair at 3 p.m.

Prayers and routine proceedings.

THIRD READINGS.

Bill (42) "An Act to incorporate the Pontiac & Renfrew Railway Company." (Mr. Clemow).

Bill (77) "An Act to confirm a certain agreement made between the London & South Eastern Railway and the Canada Southern Railway." (Mr. Vidal).

Bill (66) "An Act to incorporate the St. Lawrence & Adirondack Railway Company." (Mr. Bolduc).

Bill (26) "An Act to confirm a certain agreement between the Grand Trunk Railway of Canada, the Canada Southern Railway Company, and the London & Port Stanley Railway Company," (Mr. Vidal).

THE IRVING DIVORCE BILL.

FIRST READING.

Bill (G) "An Act for the relief of Andrew Maxwell Irving," was introduced and read the first time.

HON. MR. MACDONALD (Midland) moved:

That the said Bill be read a second time on Tuesday, the first day of May next, and that notice thereof be affixed on the doors of this House, and the Senators summoned; and that the said Andrew Maxwell Irving may be heard by his Counsel at the second reading to make out the truth of the allegations of the said Bill, and that Marie Louise Skelton may have a copy of the said Bill, and that notice be given to her of the said second reading, or sufficient proof adduced of the impossibility of so doing, and that she be at liberty to be heard by Counsel what she may have to offer against the said Bill, at the same time; that the said Andrew Maxwell Irving do attend this House on the said first day of May next, in order to his being examined on the second reading of the said Bill, if the House shall think fit, whether there has or has not been any collusion, directly or indirectly, on his part,

relative to any act of adultery that may have been committed by her to obtain such separation, or whether there be any collusion, directly or indirectly, between her and him, or any other person or persons, touching the said Bill of divorce, or touching any action at law which may have been brought by him against any person for criminal conversation with her, the said wife of the said Andrew Maxwell Irving, and also whether at the time of the adultery of which he complains, she was by deed or otherwise by his consent living separately and apart from and released by him, as far as in him lay, from her conjugal duty, or whether she was at the time of such adultery, co-habiting with him and under the protection and authority of him as her husband.

The motion was agreed to on a division.

THE SPEAKERSHIP OF THE SENATE.

MOTION WITHDRAWN.

HON. MR. ALEXANDER rose to move

That an humble Address be presented to Her Majesty; praying for the amendment of the British North America Act, so as to enable the members of the Dominion Senate to elect their own Speaker.

After some remarks, by permission of the House, the motion was withdrawn.

LA BANQUE NATIONALE BILL.

SECOND READING.

HON. MR. BOLDUC moved the second reading of Bill (23) "An Act to reduce the capital stock of La Banque Nationale."

He said—This Bill provides for a reduction of forty per cent. It has been carefully studied by the Committee on Banking and Commerce in the House of Commons, where the following has been introduced as a third clause :—

"Nothing in this Act shall be construed so as to lessen or impair the liability of the shareholders to the present creditors of the bank."

It will be seen that every precaution is taken to protect the interests of the creditors of the Bank. This step was necessitated by the Bank having suffered a series of losses during the depression in the lumber trade.

The motion was agreed to and the Bill was read the second time.

SECOND READING.

Bill (51) "An Act respecting the Federal Bank of Canada." (Mr. Macdonald, Midland).

BILLS INTRODUCED.

Bill (11) "An Act to empower the Merchants Marine Insurance Company of Canada to relinquish its charter and provide for the winding up of its affairs." (Mr. Ferrier).

Bill (53) "An Act to make further provision respecting the Brantford, Waterloo & Lake Erie Railway Company." (Mr. MacCallum).

Bill (25) "An Act to confirm the charter of incorporation of the Great North-West Central Railway Company." (Mr. Clemow).

Bill (22) "An Act to incorporate the the Great Eastern Insurance Company of Canada." (Mr. Power.)

Bill (74) "An Act to amend the Act to incorporate the Kincardine and Teeswater Railway Company. (Mr. Read.)

The Senate adjourned at 4:07 p.m.

THE SENATE

Ottawa, Tuesday, April 17th, 1888.

THE SPEAKER took the chair at 3 o'clock p.m.

Prayers and routine proceedings.

YORK FARMERS' COLONIZATION COMPANY'S BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Banking and Commerce, reported Bill (A) "An Act respecting the

York Farmers' Colonization Company," with amendments. He said—This Bill originated in this Chamber and the alterations proposed are made at the suggestion and with the concurrence of the hon. member who has charge of it. The Petition asked for a reduction of capital, but in drafting the Bill, the person employed to do so, overlooked this very important matter. He copied a Bill passed last session in which the other matter referred to occupied the whole Bill, that was to allow shareholders to take land for part of their stock or whole of it. In order to comply with this the preamble has been amended by the addition of a few words, and a clause has been introduced to authorize the reduction of the stock. The other alteration or amendment is to provide that before any lands are conveyed to any shareholder of the Company in lieu of his stock, there shall be a regular estimate made and a schedule of the value of those lands preserved, so that there may be an assurance to the shareholders generally that the price has been obtained when the stock was surrendered. I think there is nothing in the amendments to require further consideration.

HON. MR. MCCALLUM moved that the amendments be concurred in.

The motion was agreed to and the Bill was then read the third time and passed.

QUARANTINED AT SAN FRANCISCO.

INQUIRY.

HON. MR. MCINNES (B. C.)—Before the orders of the day are called, with the permission of the House, I desire to call attention to a dispatch which appeared in the Ottawa *Free Press* of yesterday, and which reads as follows :—

San Francisco. April 16.—The steamer Parthia, of the Canadian Pacific steamship line between China and British Columbia, touched here yesterday. A general quarantine having been declared against all Chinese ports, there was much comment as to whether the vessels which lately arrived at British Columbia from China and cleared at Vancouver with a clear bill of health would be ordered into quarantine as though she came direct from an infected port. On the arrival of the Parthia an order was made and passengers who took passage at Vancouver for this city were quarantined as though they had come the entire distance from China.

If this dispatch is correct, and I fear it is only too true, I look upon it as an outrage perpetrated by the authorities of San Francisco. To quarantine a vessel with a clear bill of health and only three days out from a British Columbia port where there were no infectious or contagious diseases, such as small-pox, yellow fever or cholera, appears to me to be a most extraordinary and unprecedented act on the part of one friendly people towards another. If this report is correct, I hope that the Government will at once take such steps as will liberate the passengers from British Columbia and elsewhere, who are now in quarantine at San Francisco on the said steamer and resent in a proper manner the gross indignity offered our flag and people.

HON. MR. ABBOTT—I can only say that we have received no information of this kind whatever, and if anything of the sort has occurred, as soon as the facts are known, of course proper steps will be taken in regard to it.

THE WHITE DIVORCE BILL.

CONSIDERATION OF THE COMMITTEE'S REPORT POSTPONED.

The order of the day having been called,

Consideration of the Report of the Select Committee to whom was referred the Bill for the relief of Mary Matilda White.

HON. MR. KAULBACH said—The evidence which accompanies that report has not yet found its way to the hands of hon. members. I think there has been neglect somewhere, but to whom it should be attributed I cannot say. Under the circumstances, I move that the order of the day be discharged, and the same be taken into consideration on Thursday next.

HON. MR. MCKINDSEY—I do not think it is in the public interest that this

evidence should be published at all. I have had charge of the Bill, I was a member of that Committee, and I am satisfied that the evidence was conclusive. The report of the Committee, which I presume will be adopted to-day, will be acceptable and there is no necessity for the publication of the evidence. I would ask, therefore, with the liberty of the House, that the hon. gentleman should go on with the consideration of the report to-day, and that the evidence in the case should be suppressed as not being in the public interest.

HON. MR. ALMON—I have a very great objection to that course being adopted. I am not going to vote on any question without having the evidence before me. We see now the evil of having a small committee. This Divorce Committee having met and come to a conclusion, they are going to force us to vote on a subject of which we know nothing. I do not think that such an outrage on justice should be permitted in the 19th century. If the evidence is not submitted, I shall have to act on the principle that until the petitioner is proved guilty I must presume her innocence, and I shall vote against the report being received. It is all very well to talk to us about the evidence not being fit to be read. Suppose we were to expurgate from the Bible the objectionable parts, does anyone imagine that the world would be the better for it? We had a Bill before us a couple of sessions ago of a most disgusting character—the Charlton Seduction Bill—and I am sure there can be nothing in the evidence in this case more filthy in its details than that measure.

HON. MR. KAULBACH—It is because of the objection of the hon. member for Halifax, which I know to be shared by other members, that I ask the consideration of the report to be delayed until the evidence is printed. I am quite ready to go on with the order myself, but knowing that the feelings which he expressed are entertained by other hon. gentlemen, I shall press my motion that the report be not taken into consideration until Thursday next.

HON. MR. VIDAL—Is it not possible for the hon. member who has charge of the Bill, with the permission of the House, to withdraw it altogether? That would end the difficulty.

HON. MR. POWER—That would be very irregular.

HON. MR. MCMILLAN—It would be making little of this House, after the presentation of the application and the consideration of the case by the Committee, if the Bill were withdrawn at this stage, more particularly as this is the first case of the kind that we have had in this country. I think it would be as well to print the evidence for the convenience of members of this House, and let it be known to the country that the Senate will not be trifled with. If you take that course you will effectually stop such applications.

HON. MR. MCKINDSEY—I must say that my only object is to prevent the evidence going to the country. I asked that the report be adopted now in order to prevent the printing and distribution of the evidence.

HON. MR. MILLER—I cannot agree with the suggestion of the hon. member from Sarnia. I have heard something about this case, and it has reached the stage of being reported upon by the Committee to whom the application was referred. There are reasons why the petitioner should not be allowed to withdraw the Bill in this case. I think that the action of the House should be definitely taken upon it. I understand that the Bill is to be rejected, and therefore it would not be right to withdraw the report of the Committee at this stage.

The motion was agreed to.

MASKINONGE AND NIPISSING RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (52) "An Act to amend the Act to incorporate the

Maskinonge and Nipissing Railway Company."

He said—This Bill is merely to amend an Act of last session. The amendment is of a very unimportant character, merely naming certain gentlemen as incorporators, and also extending the time for the completion of the railway.

The motion was agreed to, and the Bill was read the second time.

BILLS INTRODUCED.

Bill (70) "An Act to incorporate the Montreal Island Railway Company." (Mr. Lacoste.)

Bill (79) "An Act to incorporate the Tobique Gypsum and Colonization Railway Company." (Mr. Howlan.)

Bill (75) "An Act to incorporate the Ottawa and Parry Sound Railway Company." (Mr. Clemow.)

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Wednesday, April 18th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

ROYAL VICTORIA COLLEGE BILL.

PETITION RECEIVED.

HON. MR. ABBOTT—I beg leave to petition this hon. House to be allowed to present a petition praying for an Act of Incorporation for a college at Montreal. The grounds of this Petition are, that last year a large donation was given for the establishment of a college for the higher education of women in connection with McGill College, Montreal. Within the last three or four days, the giver of that donation has intimated his intention of giving a very much larger sum which, with the other, is intended to establish a college on the same principle as Girton College, Oxford; and it is desired to obtain a charter for this college. The time has expired within which such petitions can be presented, and for that reason I beg permission of the House to present this Petition.

HON. MR. DEBOUCHERVILLE—As anything pertaining to education comes within the perview of the local legislatures, I would ask the hon gentleman have we the right to interfere in this matter?

HON. MR. ABBOTT—In reply to my hon. friend, I would say that, as a general rule, we have nothing to do with that here. It is not intended that this shall interfere with education; it is simply to create a corporation for the purpose of carrying out this higher education of women, and as it is intended to establish preparatory branches in Manitoba or in British Columbia, it is necessary to come to this House, as the charter cannot be obtained in the local House authorizing the establishment of a subsidiary college outside of the Province of Quebec.

HON. MR. MILLER—The question raised by my hon. friend will be better considered when the Bill is before the House.

The Petition was received.

THIRD READING.

Bill (23) "An Act to reduce the capital stock of the Banque Nationale." (Mr. Bolduc).

TORONTO BOARD OF TRADE BILL.

THIRD READING.

HON. MR. VIDAL from the Committee on Banking and Commerce, reported Bill (D) "An Act to amend the several Acts relating to the Board of Trade of the city of Toronto, with certain amendments." He said—I may briefly explain the nature of the amendment which has

been made by the Committee to this Bill. There were four clauses which, in the judgment of the Committee, as advised by competent authority, were considered to be *ultra vires* and it was thought desirable that they should be expunged, which was done, and the clause which has been read at the table was subsequently inserted. I may remark that that clause has been submitted to the consideration of the leader of the House and others competent to deal with it.

HON. MR. MACDONALD (Midland) moved that the amendments be concurred in.

The motion was agreed to.

HON. MR. MACDONALD (Midland) moved the third reading of the Bill, presently.

The motion was agreed to and the Bill was read the third time and passed.

ST. VINCENT DE PAUL PENITENTIARY.

MOTION.

HON. MR. BELLEROSE moved :

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will be pleased to cause to be laid before this House, a copy of a letter of the 31st March last, from the Honorable Joseph H. Bellerose, *in re* the burning of Mr. Louis Guymond's property at St. Vincent de Paul.

Also, copy of a letter of James Devlin, Engineer, on the same subject. Also, a copy of the different solemn declarations accompanying the above-mentioned letters.

HON. MR. ABBOTT—I have no objection to the address if my hon. friend will add, "and all other documents and correspondence relative to the same subject."

HON. MR. BELLEROSE—I have no objection to the amendment.

The motion was agreed to.

HON. MR. VIDAL.

BRANTFORD, WATERLOO AND LAKE ERIE RAILWAY COMPANY BILL.

SECOND READING.

HON. MR. MCCALLUM moved the second reading of Bill (53) "An Act to make further provision respecting the Brantford, Waterloo and Lake Erie Railway Company."

He said—This is a Bill to enable this company to build a short piece of their railway, about 18 miles, from the City of Brantford to some point on the Canada Southern. Brantford being largely interested in this railway, has granted a bonus of $25,000 in aid of the extension.

The motion was agreed to, and the Bill was read the second time.

GREAT NORTH-WESTERN CENTRAL RAILWAY COMPANY BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (25) "An Act to confirm the character of incorporation of the Great North-Western Central Railway Company.

He said—This Bill is for the confirmation of the charter granted to this railway company by virtue of an Act passed in 1886. This Bill is necessary at the present time, because capitalists in England consider that it would be better to have this Act ratified by Parliament. They do not seem to understand that the Act giving the Government authority to pass this charter is sufficient of itself, and this Bill is merely a confirmation of the grant to the company in 1886.

The motion was agreed to, and the Bill was read the second time.

EASTERN ASSURANCE COMPANY BILL.

SECOND READING.

Bill (22) "An Act to incorporate the Eastern Assurance Company of Canada" (Mr. Power) was read the second time without debate.

KINCARDINE AND TEESWATER RAILWAY BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (74) "An Act to amend the Act to incorporate the Kincardine and Teeswater Railway Company."

He said—This is a Bill for which I presented a number of petitions asking to have the charter extended so that it would run through Southampton to Owen Sound. I have a map here for the satisfaction of the House, and I have also a list of the subsidies which have been given in support of this enterprise, and of the stock that has been subscribed. The only thing required, I believe, is that they would like to have a little amendment made in the House of Commons struck out.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 3.45 p.m.

THE SENATE.

Ottawa, Thursday, April 19th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

CHATHAM JUNCTION RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (64) "An Act to incorporate the Chatham Junction Railway Company," with amendments.

He said: The amendments to this Bill consist in striking out the word "Junction" from the title, preamble and first clause of the Bill. It is done at the instance of the promoters for the following reasons: This is a Bill to incorporate a new company with power to acquire the railway originally known as the Chatham Junction Railway, connecting the Town of Chatham with the Intercolonial Railway by a short line of some eight or ten miles. This Bill not only gives them power to do that, but it also empowers them to extend the line to the Miramichi river, and in another direction to accommodate the Parish of Nelson, so that it has a different position from a mere junction railway. I see no objection to the Bill and I think it may be read the third time at once.

HON. MR. LEWIN moved that the amendments be concurred in.

The motion was agreed to and the Bill was then read the third time and passed.

WOOD MOUNTAIN AND QU'APPELLE RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (63) "An Act to amend the Acts relating to the Wood Mountain and Qu'Appelle Railway Company," with an amendment.

He said—The amendment is intended merely to fix the time for the completion of a portion of the line, consisting of fifty miles, between the Canadian Pacific Railway and Fort Qu'Appelle. By the Bill as it stood, that date was the last day of July next. That period has been extended, I believe, at the suggestion of the promoters, to the 30th September, in order that they may have an opportunity of completing the line which is already partly built. There is another reason why there is objection to that: as the Act originally stood they had until 1890 to complete the road and they only asked that the time be extended to the last of September next. I see no reason why the amendment should not be concurred in and the Bill read to-day.

HON. MR. McCLELAN moved that the amendments be concurred in.

The motion was agreed to and the Bill was read the third time and passed.

MASKINONGE & NIPISSING RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (52), "An Act to amend the Act to incorporate the Maskinonge & Nipissing Railway Company," with an amendment.

He said—This is a necessary amendment, and the necessity arose from the fact that the clause which we have amended repeals the section of the Act which fixes the time for the commencement of the work. It left no time for the commencement of the work, and it only required that the work should be completed in the seven years specified. It therefore became necessary, unless the ground was to be covered by this Company without anything being done, that the Bill should be amended so that the work should be commenced within two years from the date of this Bill and completed in seven years. The amendment is not only necessary, but was made without objection from the promoters.

HON. MR. ROSS (Laurentides) moved that the amendments be concurred in.

The motion was agreed to, and the Bill was then read the third time and passed.

CHINOOK & PEACE RIVER RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. SANFORD moved the second reading of Bill (16), "An Act to incorporate the Chinook Belt and Peace River Railway Company."

He said—The promoters of this Bill propose to construct a railway from some point on the Canadian Pacific Railway, either at Calgary or its vicinity, to go North-West to the Red Deer River country, the Saskatchewan and Peace River.

The motion was agreed to and the Bill was read the second time.

THE WHITE DIVORCE CASE.

REPORT OF THE COMMITTE ADOPTED.

The order of the day having been called—"Consideration of the Report of the Select Committee to whom was referred Bill (B) for the relief of Mary Matilda White."

HON. MR. KAULBACH said—The evidence taken by the Select Committee in this matter has been placed in the hands of hon. gentlemen; therefore I shall move the consideration of it now. The Report of the Committee, as hon. gentlemen will remember, is that the preamble of the Bill has not been proved, and they accordingly recommend that the Bill do not pass. There is a further special report, under the circumstances, that there is no ground for the allegations made against the Respondent. In consequence of the peculiar nature of this case, it must have been within the knowledge of the Petitioner that there was no foundation for the allegations in the Bill and the Committee have therefore made another recommendation wihch we do not wish to establish as a precedent—that the Respondent having been brought here without any justification shall be paid $20 for his travelling expenses. We estimate that that is about one third of what his expenses have really been. We think, under the peculiar circumstances of the case, that we are justified in making this recommendation. I move that the report be adopted.

HON. MR. McINNES (B. C.):—Before the adoption of the report I desire to bring before the House something that has come under my notice with respect to this report. It will be remembered that on Tuesday last the hon. Chairman of the Committee who has just moved the adoption of the report asked the permission of the House that its consideration be postponed until to-day because the evidence was not before them. I am informed, on the authority of one of the most respected members of the Senate, a strong supporter of the Government, that that report was in the hands of at least one boy of

only 15 summers on Monday evening last. Now I do not know who is responsible for this, but I suppose it is the Queen's printers, whoever they are, but I do claim that it is a shame and a disgrace that that evidence should go abroad and be placed in the hands of children and demoralize the youth of this country.

A great deal of the evidence that was adduced on that Committee was of a very low order, but in order to elicit and to do justice between the parties it had to be taken and I fully sympathize with the feelings and sentiments expressed by my hon. friend from Halton the other day that it should be suppressed, or at least confined to members of the Committee or Senate. When he was making that appeal to the House to suppress the evidence in the case it was being read and handed from boy to boy, low in their teens, on the streets of Ottawa. Whoever the parties may be who were responsible for this I hope the Government will give them such a reprimand as will prevent a recurrence of it in future.

HON. MR. MILLER—With regard to the matter which the hon. gentleman has just brought before the House—that this Report although not presented to the Senate the day before yesterday when the adoption of the Report was asked for, was at the time in the hands of boys on the streets of Ottawa—it is a statement I presume he would not make except on good authority. If the evidence was not ready for distribution in this House before to-day, I cannot understand how on Monday last it could be in the hands of boys in the streets.

HON. MR. MCINNES (B. C.)—The hon. gentleman on whose authority I made the statement is present in the Chamber now. I did not learn from him whether the evidence was in the form in which it has been distributed to the members of the House, but certainly proofs of it were in the hands of a boy of fifteen years who not only had an opportunity to read it himself, but gave it to my honorable informant, who read it, and assures me it is precisely the same as that before us now. If it is necessary, I suppose the hon. gentleman who is my informant will have no hesitation in corroborating what I have stated.

HON. MR. MILLER—I take it for granted that the statement which the hon. member has made is correct. It is incumbent on the Chairman of the Committee, or whoever has control of the printing bureau, to see how this breach of faith has occurred, and to find out if possible who is to blame. With regard to the suppression of this evidence, I think it is one of the most absurd things that could possibly be asked for. It is preposterous to expect this House to adopt or reject the report of the Committee without seeing the evidence upon which it is based. It is expressly understood by the rules of the House that the evidence must be before the Senate before hon. members are called upon to vote upon the report of the Committee. This is not an ordinary committee of the House. It has functions of a judicial character delegated to it; it has been instructed to take the evidence in the case referred to it and to report it to the House, and without the evidence the House is not in a position to form a judgment upon the case. What would be thought if we, on the simple report of a committee, without seeing the evidence, should be called upon to act in a matter of such importance without knowing the reasons why the committee came to the conclusions reported? The idea is so absurd that I am surprised it should find support from any hon. gentleman. It is still more absurd to ask us to adopt a report of this character without having the evidence, when the report itself states that the evidence is laid on the table of this House.

HON. MR. KAULBACH—I may tell my hon. friend that the evidence was presented with the report and laid upon the table.

HON. MR. MILLER—The second clause of the report says:—

2nd. And in obedience to the 78th Rule of your Honorable House, your Committee report to your Honorable House herewith the evidence taken down in writing of the

witnesses heard on oath before your Committee, together with that of the Petitioner, whom, incompliance with the instructions from your Honorable House to that effect, your Committee have examined upon oath, as well generally as in regard to any collusion or connivance between the parties to obtaina separation, and also all vouchers adduced before your Committee.

Now, it is always understood when evidence of this kind is placed before the House that it is printed for the use of the members, and I do not see how a member could be asked to give an opinion on the question without seeing the evidence. It is unfortunate that it is of such a character, but I think we have cases as bad almost as this in which the evidence has not only been printed, but has appeared in the journals of the House, and I cannot understand why hon. gentlemen are so squeamish about it. It is no worse than the evidence which is often taken in Courts of Justice. I do not understand on what principle the Committee recommend the payment of $20. I presume the Committee are the best judges of what should be done and I do not undertake to pass an opinion upon it, but it is certainly unusual to recommend a payment out of the contingencies of this House, to the respondent in a divorce case. I do not think there is any precedent for it. However, I do not intend to take any exception to it, but I am much surprised that hon. gentlemen desire to have this report adopted without placing the evidence in the hands of members. It is just such a case as this, where hon. gentlemen might consider it unnecessary to print the evidence, that precedents are established. In another case a similar request might be made and a similar course adopted on the strength of the precedent laid down in this instance. From what I have seen of the evidence, I think the Committee could come to no other conclusion than the one which is reported to the House, and which we are asked to confirm.

Hon. Mr. McKINDSEY — I am strongly impressed, after what I have heard from the hon. gentleman opposite, with the idea that the motion which I made the other day to suppress this evidence was strictly correct and in the interest of public morality. In the first place, the report was to the effect that the preamble of the Bill was not proven. I had charge of the Bill. I was on this Committee. I heard the evidence. I was satisfied, the petitioner was satisfied, the solicitor for the petitioner was satisfied, that the preamble was not proven, and the report of the Committee could only have been to that effect. Therefore, I did not see any object to be gained in sending to the public evidence which was, to my mind, after I had seen it, unfit for publication. There could be only two objects for opposing that motion, either to send the report back to the Committee for the purpose of bringing in a report that the divorce should be granted, or of sending the evidence which was taken in the case to the public. Therefore, in that view of the case, I moved in the interest of public morality that the evidence should be suppressed, and that the Report of the Committee be accepted by the House. I have not heard any argument against that course, which I think would prevent the injurious effect on the country which I anticipate in this matter if the evidence were allowed to go to the public. I heard what was given in evidence, and I conceived that it should be suppressed, and might properly be suppressed, where the report was against the petitioner and where I, as promoter of the Bill, concurred in the report.

Hon. Mr. SCOTT—While there is a great deal of force in the observations made by the hon. gentleman from Richmond, and while it may seem paradoxical that this House should adopt a report of a Committee without having the evidence on which it is based before us, yet I venture to say that no judicial tribunal in the world except the Senate of Canada would have permitted evidence to go forth to the public such as appears in the foul and disgusting papers that were circulated in our boxes yesterday, I think it is a humiliation, a disgrace to this body to have permitted that evidence to go to the printer. I say if such a thing were likely to recur in the future it would be far better to abolish divorce out of this House altogether and put it in the hands of some judical tri-

bunal that will have some respect for the morality of the boys and girls and women of this country and will adopt means to prevent their minds from being polluted with such filthy, disgusting trash as was put in our hands yesterday. I never in my life felt so humiliated as I was yesterday when I took that paper out of my box, I read a part of it and I threw it away. Some ladies appeared as I was reading it and I blushed for shame—I felt my manhood horrified. I repeat that I doubt if any tribunal on the face of this earth would have permitted to go forth to the public such filth to pollute the minds of the boys and girls and men and women of this country. Will any hon. gentlemen tell me that the tribunals before which divore cases are usually brought would have permitted such evidence to go abroad? Do you mean to say that a judge, who would feel it his duty to hear such evidence and tender it to a jury in the investigation of such a case, would not have ordered the court to be cleared while it was being given? I have an experience in the courts of Canada of over 40 years, and I have been familiar with some filthy cases that have had to be, in the interests of justice, investigated. When anything approaching in foulness and filthiness the evidence in this case was to be heard, the judge presiding immediately ordered that all the parties, except those who were charged with the administration of justice, should leave the court, and there in secret conclave the case would be heard. Here, on the contrary, these foul papers were circulated by the thousands yesterday all over this country, and I do say that it is disgraceful to this assembly, and we will hear of it from the pulpits in the different churches of this country. I do trust that an opportunity will be taken, in the event of anything more of this kind being presented to this body, to adopt some measure, if such evidence has to be taken, to confine it within the four walls where it is given. I do not think there is an hon. gentleman within the hearing of my voice who would not be prepared to say, where cases of that kind necessarily had to be investigated, that this body ought, if possible, to take the opinions of the gentlemen who are appointed to inquire into these foul and filthy questions. It would be better to do it, even though we made a mistake. The evidence in this case, as I understand, led to the conclusion that the preamble was not proven and that the Bill should be thrown out. The feeling of the House, under ordinary circumstances, with other Bills would be to throw them out on the same kind of a report. Therefore, why should it be necessary that evidence of such a disgusting nature should have to be published?

HON. MR. MILLER—I cannot help admiring the virtuous indignation of my hon. friend from Ottawa, and the somewhat theatrical exhibition which he has favored us with; but I do not think he has touched the argument, nor do I think any hon. gentleman has touched the argument which I have advanced here, and which involves the principle that where we are called upon to pass a solemn judgment upon a most important matter that we should do it without having a tittle of the evidence before us. In regard to the first reason which my hon. friend has adduced why I should move for the printing of the evidence that I expected to have the report of the Committee rejected and that it should be sent back to them again for re-consideration.

HON. MR. MCKINDSEY—We did not expect the House to pass upon it after the preamble had been reported by the Committee as not proven. The matter would simply have dropped there, as I understand the rules of this House. If the Committee had reported that the preamble of the Bill was proven, it would have been a different thing, then the evidence should come to the House, and should go to the other House also.

HON. MR. MILLER—That is exactly where my hon. friend is wrong. That is where he mistakes the duty of this House and the duty of the Committee—especially the duty of the House in passing on the action of the Committee. Does it follow that because a committee may reject the preamble of a Bill that this House is going, without knowing

the reasons on which they have done so, to accept that report? Where would legislation be if that were the case? My hon. friend must know how absurd a position the House would place itself in by adopting a principle altogether antagonistic to every idea of a judicial proceeding. It is unfortunate, perhaps, that this evidence has to be printed. My hon. friend does not seem to apprehend that we are passing a solemn judgment with our eyes shut and with nothing to justify us but the action of the Committee. I know that the Committee is not absolute in its finding—that its report establishes nothing until it is received and adopted by this House; but we are asked to adopt the report without knowing any of the reasons on which the judgment was arrived at. I agree with my hon. friend that it is unfortunate that this evidence should be printed and spread abroad, but I do not see how it is that it has got such a publication as my hon. friend from Ottawa has announced, when the order was that only one copy for each member of the Senate and one for each member of the House of Commons should be printed. The fact that one or two boys may have got hold of it is unfortunate, but we have a rule of the House already on this subject. The question was fully considered some years ago; was it then decided that all such evidence as this was not to be printed? Nothing of the kind. It was decided that it should be printed separate and apart from the journals of the House in which it had formerly appeared. Such evidence was printed in the journals of the House of Lords, when that House had control of the subject of divorce. I am sure that in a great community like England, they had frequently cases in which the evidence was as bad as anything we have ever had in this country, and there the evidence was always printed. I do not see where the danger is that this evidence will be scattered broadcast over the country to the extent which my hon. friend predicted.

HON. MR. SCOTT—Over 500 copies!

HON. MR. MILLER—The disgrace to the Senate is, not in sticking to our rules, we have other causes for disgrace perhaps than acting independently in the discharge of the duty before us now. There is another reason why this evidence should be printed. This woman is evidently guilty of something worse than untruthfulness. According to her own sworn testimony before the Committee, she did not deserve a divorce, and it is well that there should be a record against her should she go elsewhere to seek a divorce, in order that it can be referred to. If the Bill had been withdrawn yesterday in the House, it might have been said elsewhere that the matter had not been fully considered in the Senate, that the Bill had passed its second reading and had miscarried in some way before the Committee. That line of argument might perhaps be used elsewhere, in another country, if she sought a divorce there. If my hon. friend wanted to have this Bill withdrawn, why did he not take the proper course and ask the Committee to report that the promoter of the Bill had desired it to be withdrawn and recommend to the House that he have leave to withdraw his Bill? My hon. friend (Mr. McKindsey) shakes his head.

HON. MR. MCKINDSEY — They could only report the facts.

HON. MR. MILLER—I beg my hon. friend's pardon, and I tell him that the course, the Parliamentary course, which I would have adopted had I been the promoter of the Bill is this: when I saw the preamble was not proven I would have asked the Committee for leave to withdraw the Bill and then the evidence need not have come before the House at all. The conduct of my hon. friend involved the necessity of putting that report on the table and the necessity of the publication of the evidence under the rules of the House; therefore I cannot see why the hon. member from Ottawa should make such an indignant tirade which, in my opinion, is of very little consequence indeed, because this report cannot get a wide publication. It is the fault of the members of this House and of the other House if it does get a wide publication, because the only copies printed are the copies for each member and for

the archives of the House, and I do not think that the alarm and disgust so vividly depicted by the hon. gentleman from Ottawa exist except in his own fertile imagination.

Hon. Mr. DICKEY—I would like to answer what has been said and to call the hon. gentleman's attention to the last clause of the Report. That clause is to this effect :

"4th. Your Committee recommend that the Respondent be paid the sum of twenty dollars ($20) to cover all costs incurred by him in this matter, and that the said sum be charged to contingencies of the Senate."

By way of explanation, I may state that I understand that leave was given in this case for the petitioner to proceed in *forma pauperis.*

Hon. GENTLEMEN—This is not the case.

Hon. Mr. McKINDSEY—That is another case altogether.

Hon. Mr. DICKEY—Then I should like to know what is the authority for this recommendation ?

Hon. Mr. McKINDSEY—So far as that clause of the report is concerned, I am opposed to any allowance being made to the respondent. Although it is not referred to in the report of the Committee, he stated distinctly in the Committee room that he did not come here under the notice to appear which was issued by this House, to defend this action, but came for the purpose of protecting his property, because there was a clause in the Bill which asked this House to order a transfer of the property to be made back from the respondent to the petitioner. That clause was struck out when it was presented to the Committee. The respondent appeared solely to protect his property, and he was subpœnaed by the petitioner and examined before the Committee. He attended there two days, and I believe he was paid by the petitioner for his attendance ; therefore I do not think he has any right at all to this allowance for his attendance before the Committee.

Hon. Mr. VIDAL—I may say that I share very fully in the sentiments of indignation, and that sense of humiliation that have been expressed by the hon. gentleman from Ottawa ; and I am not shaken in my views of this question by the elaborate arguments advanced by the hon. gentleman from Richmond. The object which he says we have in view in carrying out the rules of the House is, that such evidence shall be submitted to us, can be effectively attained without subjecting us to the humiliation and the shame of having such objectionable matter printed under our authority. The hon gentleman has said that it is necessary for every member of this House to be able to form his own opinion as to whether the report of the Committee is correct or not. I admit the soundness of that proposition, but I do not admit that it is necessary in order that hon. gentlemen be able to form an opinion on this question, that we should be subjected to the reproach of having evidence of this character published. If it is necessary that the evidence taken before the Committee should be before the House, the manuscript of it might be submitted when the Committee make their report to this House, and might they not then report to the House that the evidence is of such a character that they recommend the suspension of the 78th Rule, and then let the evidence remain unprinted in the custody of the Clerk of the Committee for a week or a fortnight, so that any member having doubts as to the wisdom of the decision at which the committee had arrived, may have an opportunity of looking into the evidence and satisfying himself as to the facts. In that way we would attain the object which the hon. gentleman had desired without exposing ourselves to the unpleasant position we are placed in today. When any matter of this kind is referred to a committee to take evidence, what is the object of the House in doing it (I am speaking now of evidence of this particular character, objectionable in its features)? If the object is to obtain evidence of that character, does the hon. gentleman mean to say that witnesses should be examined at the bar of this House, and that those questions should

be put to the witness in the presence of the whole House and of strangers? Surely he does not mean that; and yet, what gentleman acquainted with the proceedings in a court of law and the value of testimony, but knows that the very look and tone and manner of the witness in giving his answer to a question are almost as important in their bearing upon the case as the words he may utter. I hold that when the House delegates to a committee a duty of making an investigation of this kind, it announces to the whole world by the reference that it has confidence in those gentlemen whom they appoint as having ability and integrity to inquire properly and sufficiently into the whole matter; and while I do not mean for a moment to contend that the House is bound to accept their decision, I assert that their decision is entitled to very great consideration. I venture to say that before we should reject their report, we should be able to show very strong reasons why we believed the committee have not acted wisely in connection with their investigation. We delegate to the committee power to take this evidence for the very purpose of avoiding those unseemly exhibitions on the floor of this Chamber, and when they have by the authority delegated to them obtained it, we should be satisfied, generally speaking, that the evidence is of a reliable character. At the same time, as I have already stated, there might be the precaution taken of having the evidence in writing before us, subject to the examination of any member who has any doubt as to the wisdom of the action of the Committee. I do hope that in the future we shall never have occasion to speak of a matter of this kind again. I trust that the Committee that is now appointed as a standing committee to act on such cases will see that it is their bounden duty to protect the morals of the country, and that in cases where evidence of this disgusting character is brought before them, they will take the precaution to make in their report a recommendation to the House not to require that the 78th Rule be complied with in that particular case, or that such evidence shall be put into print. I do not at all share in the fear expressed by the hon. gentleman from Ottawa as to the wide spread circulation of the printed evidence now before us, but there is circulation enough, and hon. gentlemen know that when once a document of that kind gets into a printing office we have lost all control of it. Even if only one copy of it is preserved by those who put it in print, it can be reproduced indefinitely. This was the danger I foresaw the other day when I recommended that the gentleman in charge of the Bill should withdraw it. I fully agree with a great deal of what has been said by the hon. gentleman from Richmond as to the importance and necessity of preserving the record of the proceedings of the Committee and of the House in dealing with this matter; consequently I do not now think my suggestion then made that the Bill should be entirely withdrawn, was a good one, I think it is well that it should be on record that the House refused to grant the prayer of the petition because the preamble is not proven.

HON. MR. MILLER—What I said was that the more correct course to have prevented the publication of the evidence would have been to have got the recommendation of the Committee that the promoter of the Bill should have leave to withdraw it, and then the evi- evidence could not have been laid on the table.

HON. MR. VIDAL—The rule required the production of the evidence before the House, but it did not require it to be printed. If the Committee had only thought of recommending the suspension of the rule requiring the laying of the evidence on the table, it would have obviated the necessity for having it printed. I think however it is well that it was not withdrawn althogether, as it might in that case be surmised that there was some ground for the application for divorce, whereas now, we shall have, I trust the decision of the House put upon record that there was no ground for the application at all, as is clearly set forth in the third clause of the report :—

3rd. Your Committee further desire to express their opinion that, according to the

evidence produced, there is no ground whatever for the allegations made against the Respondent.

I think it is very desirable that this should go on record as the decision of this House, clearing the character of the man from a most injurious and improper allegation. The adoption of the report would I presume be the end of the case, and I make my remarks chiefly with the object of impressing on the new Committee on divorce the propriety of arranging that should evidence of this kind be taken in the future some steps shall be taken that such objectionable testimony shall not be printed.

HON. MR. MCKINDSEY—It is not my intention to ask the House to suppress the record of the evidence; all I asked was to suppress the publication of it. The record should remain here, and I remember that I never asked the House to do anything but adopt the report of the Select Committee declaring that the preamble is not proven. I do not ask that the record be destroyed.

HON. MR. MILLER—I do not think that the explanation of my hon. friend varies his position in the slightest degree. I do not want the House to suppose, however, that I had any desire that this special report should be published, excepting in vindication of what I consider to be a very important principle. That is the only motive I had in view. I regret as much as any member of this House that these indelicate, and, perhaps, in many cases very filthy statements, made by witnesses before Divorce Committees should get any publicity; but the House dealt with the question sometime ago, and provided that where the Committee considered the evidence unfit to go upon the journals they should make a recommendation to the House and in virtue of that recommendation the evidence should be printed by itself, as in this case. I think the gentlemen on the divorce Committees will bear testimony to the fact that they very seldom see me before one of those Committees under any circumtances, and I would not like to admit how little of the evidence of those cases I read. I have read very little of this case. It is not very wholesome or palatable reading. I do not want it to be supposed at all that I insist upon the publication of this evidence or any other ground than the conscitious conviction that I am vindicating a principle which should be dear to every man connected with judicial investigation.

HON. MR. ALMON—I should not say anything on this question, only I was very anxious that the report should be published before I gave my opinion about it. The Committee appointed to try this case are not the sole judges or jurors; they are sent out to investigate the state of the case and report it to us and to get us to approve or disapprove of the ruling they have given. The evidence in this case is very disgusting, but that is partly owing to the manner in which a number of the questions were asked—asked in a much more coarse way than they may need have been. I am perhaps reflecting on the Committee, but that is my opinion from reading it over. A medical man has often to get information on a delicate point, but I do not think he puts his questions in the coarse way they are put to the petitioner in this case. I should have been ashamed to ask a female, when alone with her in private consultation, the questions that have been asked of the petitioner in this case. The questions could have been put in much more professional language than they were; and I think the reason that this evidence is so disgusting is partly owing to the nature of the case and perhaps a little to the way in which the questions were asked. Then, with regard to the evidence being circulated broadcast through the city of Ottawa on Monday, I was going to say, if the affirmation had not been made by an hon. gentleman with proof, that it was not the case. There is a law which prevents the publication and circulation of such literature throughout Canada, and which provides a punishment for any person who offends that law, and if a printer has taken a copy of this evidence and published it, he makes himself amenable to the law. If those copies were not given to the members of the House of Commons, but

merely to members of this body and have been made public, it is either the fault of the printer, or of the members of this House themselves. I think, however, we are getting very straight-laced, because it has been said on high authority, "offences must come, but woe to him through whom they come." I think the very disgusting nature of this evidence, if it gets abroad, will have the effect of preventing any other woman from coming here with a petition for a divorce on the same ground that this woman did. As far as she is concerned, her fame is blasted throughout the country, and it will likely have the effect of making her leave the place, and it will have a moral restraint on those who read the report.

HON. MR. HAYTHORNE—I would not have offered any remarks were it not for the reflection made by the hon. gentleman from Ottawa against the character of the Senate. He said, in effect, that no court or judicial body could be found to have acted as the Senate of Canada has acted in its place. While I concur with the hon. gentleman as to the inexpediency of publishing broadcast the evidence in this case, I do not agree with him when he says that no other body in the world would have allowed such evidence to be published. I beg leave to differ from him there, and if any hon. gentleman is curious, and doubts what I say, I invite him to go into the newspaper record room and look over the files of the London newspapers for the months of November and December, 1886, and there they will see daily reports in the morning journals of a divorce case which was then proceeding from day to day, reported at full length, speeches of counsel, evidence taken, and everything about it. It is not to be supposed that such a thing as that would be done daily without attracting the attention of many religious and philanthropic persons who thought precisely as the hon. gentleman from Ottawa thinks on these matters. It can be seen by anyone who takes the trouble to turn over those files of newspapers that the evidence was there published from day to day and read by young and old of all classes; therefore I do not think it can be justly said that the Senate of Canada is the only body in the world, as stated by the hon. gentleman, that would permit evidence of such a character to be made public. I make these remarks, because as a Senator myself, I do not care to lie under the imputation of being one of the only body in the world which would permit such an offensive publication. If it has been published it has been done against the wishes, I am sure, of pretty nearly every individual here, under the rule of the House. For my part, if I could shirk the reading of such abominable stuff without failing in the performance of my duty as a Senator, I should do so. I hope I shall never have to read a similar report again.

HON. MR. SULLIVAN—I suppose never before in this history of the Senate has a case awakened such obscene interest as this one. I regret exceedingly that it has been my duty—because I consider it a duty when members of the Senate ask me to assist them in arriving at a conclusion—that I was obliged in any way to be connected with it, and I regret exceedingly that the world "filthy" should be employed with regard to, I suppose, a great deal of the evidence which I gave. Hon. gentlemen will understand that this was a peculiar case. Had the hon. gentleman who introduced the Bill or the legal gentleman who was conducting the case taken the trouble to consult a physicians even of ordinary talents, he would never have introduced it here, and he would have doubted the propriety of bringing such a case before even a legal tribuual. He would at once have thrown it up and have nothing more to do with it; but not having done so, and having brought the case before this body, it became the duty of the Senate to consider it and demand that examinations which are not obscene or filthy in themselves. To the pure all things are pure, and any hon. gentleman who will consider it, with a philosophic mind, will not find his purity ruffled by such evidence.

HON. MR. MILLER—The words I used were "indelicate and even filthy." I did not allude to the hon. gentleman's

evidence, but to other evidence altogether.

HON. MR. SULLIVAN—I want the Senate to understand that there could be no conclusion arrived at without these examinations and the use of these terms. It is in the dissemination of this literature that the fault lies. I saw, myself, some gentlemen at the hotel reading some copies of this just before I came up here—conning it over and having quite an agreeable meeting.

HON. MR. MCINNES (B.C.)—When?

HON. MR. SULLIVAN—This afternoon, as I was coming up to the Senate. I suppose they had got hold of some copies. When so many copies are printed we cannot prevent them getting out. It is one of the things which the Senate must, in its wisdom, try to prevent, if it can do so. I find it impossible to arrive at a just conclusion without getting a copy of the evidence, and so many Senators having copies it is likely they will gratify the curiosity of their friends by allowing them to have even a glimpse of the evidence. With regard to the questions put by my hon. friend from British Columbia, they were entirely relevant and were such as were necessary to elicit the truth and arrive at a proper and enlightened opinion; they could not possibly have been avoided, and I did not hear him ask any questions which could be considered improper. As to the respondent getting any money back, I wish that part of the Report at all events could be expunged, because I do not think he is entitled to any. I asked him at the time if he was not satisfied that the divorce should take place, and he said he was perfectly satisfied, so divorce would seem to be a relief to him rather than a penalty. I therefore think that that part of the evidence should be expunged. If this discussion will lead to the adoption of some means—though I am at a loss to understand how it can be arrived at—whereby this evidence can be kept from the outside public, then it will not have been in vain.

HON. MR. POIRIER—The conclusion to be drawn from this discussion is, the sooner we get rid of jurisdiction over these matters the better. The Committee are to blame for having printed the report of the evidence.

HON. MR. MCKINDSEY—The Committee are not to blame for anything of the sort.

HON. MR. POIRIER—They are to blame for having it printed in the way it is.

HON. MR. KINDSEY—No.

HON. MR. POIRIER—I understand that we are judges in these matters, and that we cannot judge if we have not the facts before us. On the other hand there is a law of the land for preventing the publication of obscene literature, and if the newspapers were to publish the evidence in this case either *in extenso* or in part, it would create such a scandal in the land that the editor would certainly be liable to a heavy penalty.

HON. MR. MILLER—In the case of a parliamentary report?

HON. MR. POIRIER—The question has been considered and decided altogether in one way. My hon. friend from Richmond knows that if the newspapers were protected by law in publishing such a report, the facts would be such that public morality would condemn it. I have never seen anything in print, even in the literature of Eastern Countries such as India, where such disgusting facts have been laid before the eyes of the public. If these divorce cases are a necessity, and if we have to take action upon them, it would be better for us to vote blindly than to have such evidence printed and sent to the country. Do you know what we are conspicious for just now? Just on account of our jurisdiction over these subjects. I have myself been visited by citizens of Ottawa and members of Parliament, asking me to give them that obscene and, I will say, that filthy report of the evidence to read and enjoy. I say that this is not at all creditable to our body, and I am convinced that although the giving control

of these matters to legal tribunals in the different Provinces might increase the number of cases, yet as there would be less public scandal, there would be a great gain attained by the change. In England the House of Lords have divested themselves of authority over these cases and given the jurisdiction to a special tribunal. Divorce seems to be a necessary evil in this country. Just look at what takes place in Nova Scotia and New Brunswick, where the Supreme Courts have jurisdiction over these matters. There may be more divorce cases than in the other Provinces, but there is certainly much less scandal. If it is considered desirable that divorces should be granted, we should aim at abating these scandals, because it is in the scandal that the evil lies. This report of the Committee has certainly been circulated outside of the Senate. I thought it my duty as an honest man to burn my copy. I should have been ashamed to to show it to anybody, even to my most intimate friend The report has circulated in the city and it will circulate in the country : 300 copies have been printed : it has gone into the hands of the printers and others, and copies will be procured and sent everywhere, causing great scandal. Such scandals are to be regretted and when a motion is made to appeal to the Imperial authorities for an amendent to the British North America Act to have this jurisdiction taken from us, I shall certainly be one of the first to sign it.

Hon. Mr. MILLER—That would not require an amendment to the constitutional act.

Hon. Mr. POWER—I think it is very much to be regretted that this discussion has not taken place with closed doors, because it will do more to whet the appetites and excite the curiosity of the public throughout the country to see this evidence than anything that has taken place heretofore.

Hon. Mr. MILLER—Thank the hon. gentleman from Ottawa for that.

Hon. Mr. SCOTT—The debate should be suppressed.

Hon. Mr. POWER—I think it would be desirable to suppress it. The newspaper reporters will not spread the poison abroad, and the best way is to suppress it from the official report. Some 250 copies are printed for the use of the House of Commons.

Hon. Mr. OGILVIE—Printed, but not distributed.

Hon. Mr. POWER—As these copies for the House of Commons are yet undistributed, I think the best thing we can do now is to see that they are destroyed. That will be the best way to prevent the circulation of them. As regards members of the Senate, of course each gentleman takes care of his own purity. I think it is the duty of every member who has control of a copy of that evidence to destroy it. I regret very much that copies of the evidence should have got abroad ; but where so many printers and others are able to cast their eyes over it and have it in their hands, it is almost impossible to prevent its circulating to some extent. I am sorry that so much warmth has been exhibited on the subject. I sympathise very largely with the hon. gentleman from Ottawa, but at the same time I do not know that the Committee deserve the very strong terms which he used ; and while the hon. gentleman from Richmond is technically correct, I submit that there was no necessity for printing this evidence. My view is this : when the Committee reported, they reported the evidence: it was laid on the Table, and it was generally known throughout the House that the Committee had been unanimous in their report. There was no objection to it, and there was no reason to suppose that the report was not a proper one and one that should be adopted. It was generally understood that the evidence was of a peculiarly disgusting character. The copy of the evidence lay on the Clerk's table, and if any hon. gentleman had a doubt as to the propriety of the report he could have removed it by reading the evidence. I do not know that it is necessary to make any motion that this debate be suppressed, but if it is necessary I would move that the debate on this report be not published.

HON. MR. MCINNES (B.C.)—I happened to be a member of the unfortunate Committee that tried this case. I was also unfortunately the only medical man on the Committee. I regret exceedingly that I was the only one, and I am sure the House will join in my regret that the junior member for Halifax was not a member of that Special Committee, and not only of that Committee but also of the Standing Divorce Committee which the leader of the Government struck a few days ago. I consider that medical men are as necessary on that Committee as lawyers. In putting my questions to the witness I did so in a manner calculated to elicit the truth and nothing but the truth, whereby the Committee would be enabled to arrive at a just and proper judgment, and even with respect to the characteristic, carping criticism of the junior member from Halifax as to how the medical part of the evidence was taken or conducted, I think the House will agree with me when I say it was entirely uncalled for and that it evinced an uncharitable and vindictive disposition, and I may add unprofessional discourtesy. I frankly admit that under ordinary circumstances and with an ordinary witness, the questions might have been put in a more delicate form, but this was no ordinary case, but a most extraordinary case, and the questions had to be put in an extraordinary manner in order to elicit the truth and expose the gross fraud and imposition attempted to be perpetrated on this House. The character and intelligence of a witness largely determine the best form or mode of putting questions. Such was the fact in this instance. In future I hope the divorce committee will avail themselves of the valuable services of the highly cultured and refined member from Halifax, and thereby, at least to some extent, lessen his strictures when the reports are submitted for consideration. I may say I believe that it was upon my advice that the Committee asked that a medical examination be made, and if any person is responsible for a great deal of the alleged objectionable evidence adduced, especially by my hon. friend from Kingston (Dr. Sullivan) and my other hon. friend from Glengarry (Dr. MacMillan), I am the responsible person, and I am prepared to take the responsibility. This case furnishes abundant evidence of the necessity of relegating all such cases to a properly constituted tribunal—which I claim the Senate is not. I hope my hon. friend from Ottawa, who spoke with such warmth and feeling, will not allow another session to pass without bringing in a Bill to establish a Divorce Court which will apply to every nook in Canada. We have Divorce Courts in the Maritime Provinces and British Columbia, and I have no hesitation in saying that the moral standard in these provinces is equal to what it is in Ontario and Quebec, and in proportion to the population we have just as few divorce cases, or applications for divorce. It is a mistaken idea in my judgment, to think that the establishment of such a court would be the means of increasing the number of divorces. I mention this because if we had a properly constituted tribunal, before which these cases could be tried, no questions of a disgusting character such as, in the interests of justice, were brought out during this investigation would never have been published. The Judge would order that the Court to be cleared—allowing none but those immediately interested to be present, and the evidence would be taken there in a manner far better I submit than it could be taken in a Committee of this House and I believe the ends of morality and justice would be served much better than by the course pursued from year to year in the Senate. When I referred a moment ago to the copies of this evidence being in the hands of boys only 15 years of age in the streets of Ottawa on Monday evening last, I distinctly wish it to be understood that I do not attach the slightestest blame to any member or officer of the Senate. It was after the copy left the Senate authorities and went to the Queen's printer that the copy I have reference to was struck off and I have every reason to believe that many other copies were in the hands of the public on Monday evening. I refer to it because I think it is too bad that this House should be asked to postpone the consideration of this report of the Committee from last Tuesday until to-day, when all the printed

evidence was in the possession of Ottawa boys of tender years for days before they were laid on our desks; but I wish it distinctly understood that I am not reflecting upon any officer of the Senate.

HON. MR. WARK—I do not rise to discuss the question: I heard that the evidence was of a bad character and I did not open my copy. I merely rise to make a suggestion that the Committee in future, when such objectionable cases come before them, ought to be authorized to make a preliminary report setting forth the fact to the Senate, and asking permission to eliminate from the report such matter as ought not to be printed. I think that would meet every difficulty.

HON. MR. MILLER—Must not the evidence go to the House of Commons, where the report is in the affirmative?

HON. MR. CLEMOW—I do not desire to be drawn into this discussion, but it must necessarily engage the attention of the Senate at this time. It is part of the duty we have to perform as members of this House, and I see no way in which this matter can be decided except upon the evidence brought before the Committee. I think where the mistake was made was on the second reading of the Bill. On that occasion it would have been well if the Bill had been thrown out upon the ground that adultery was not charged as part of the offence; and, as far as impotency was concerned, if hon. gentlemen will look at the authorities in England they will find that lapse of time was a bar to the introduction of a Bill on that ground. As the matter now rests, we have to pronounce upon the facts, and I see no way that hon. gentlemen can come to a decision except by the reading of the evidence taken before the Committee. If that evidence was not before us, unless we had the opportunity of being present in the committee room when the witnesses were examined, it would be utterly impossible to arrive at a satisfactory conclusion. But there is one point that has not been brought forth by any hon. gentleman as yet, and that is, the evidence is of such an extraordinary character as to implicate the woman of direct and wilful perjury and the Minister of Justice may find it necessary to take some criminal proceedings against her so as to prevent in future any woman, upon her own unsupported statement, bringing a bill of this kind before the Senate.

HON. MR. MILLER—It is not his duty to do so.

HON. MR. CLEMOW—Whether it is the duty of the Minister of Justice or not I do not know; probably the leader of the House can enlighten us on the subject, but if there is any way of bringing that woman to justice for the crime she has committed, I think the people will demand it and the country will uphold any party who will find it his duty to institute criminal proceedings.

HON. MR. MACDONALD (B. C.)—Hon. gentlemen will see that as the Bill was not opposed on the second reading, no one would take the responsibility of stopping it at that stage? If there had been an attempt to stop it at that stage there would have been an outcry and a demand that it should be allowed to go to the Committee. It having been sent to the Committee, they had but one straight course before them; they were bound by certain rules and regulations, and they were bound to carry out their inquiry according to those rules. When the report was brought to the House, who asked for the evidence? Not the Committee, but the House, before they could come to a decision on the Bill. Hon. gentlemen have shown a great deal of virtuous indignation which has been entirely lost. They forget that the Committee were bound by the rules of the House to do exactly what they did do; and the aspersion of the hon. gentleman from Ottawa on the action of the Committee was very unjust and entirely uncalled for. The hon. gentleman from Sarnia theorizes as to what ought to be done in this matter. We are not dealing with theory, but with absolute facts governed by certain rules and regulations, and we have only one course to go by. With regard to the evidence, there are some defects in the report of it for this reason, ques-

tions are attributed to certain members of the Committee which were asked by counsel for the petitioner. There is one question attributed to me, which I did not ask at all, but which was asked by counsel for petitioner. With regard to the recommendation of the Committee that $20 should be paid to the respondent, it arose in this way: when the respondent came down here in his own behalf, he was summoned by the petitioner and she only paid him $1 as witness fee. He told the Committee that he had been at great expense in coming down, some $40, and that he wished only to have money enough to pay his expenses home, some $20, and we made an order, after some discussion, for half the amount of his expenses.

HON. MR. MACDONALD (Midland)—I rise to speak on this matter with a good deal of diffidence. I am in entire sympathy with the hon. gentleman from Ottawa as to the injurious effect of literature of this kind upon young minds, and I am in accord with that hon. gentleman when he says that steps should be taken to punish severely those by whose means such literature has obtained circulation. Having said that, I am at a loss to see how this House could have pronounced upon the case without hearing the evidence. Very painful, and "filthy" was the word that was used, as this evidence was, it is one of the things that this Chamber has to adjudicate upon. I do not know that the reading of the evidence has had any deteriorating effect upon my own mind. I hope it has not. I would not like to feel, as it has been stated, that members of Parliament have been running after me in great numbers to get copies of the evidence. I would not regard it as a compliment at all. I have been asked for it by one hon. gentleman, a professional gentleman, who asked for it as a matter of professional interest, and without thinking I promised him the copy that I had after I had read it. I have been since thinking over the matter and I shall ask the hon. gentleman's permission to destroy my copy, and I think if every member of this House destroys his copy, and if the 250 copies that are upstairs for circulation amongst the members of the House of Commons are also destroyed, we will have shown our repugnance to the circulation of any such literature. Now, as to the general question, the story of Sodom is told in the Divine record; the story of incest is told there; the story of aldultery in the worst form in which it has ever been recorded is told there, and what effect has it produced but that of abhorrence and aversion. It makes all those who read it repugnant to the commission of such crimes and fills the mind with loathing and disgust. As this is the first case of the kind that has ever come before this House, while it would not be well to have the evidence in such a form that it should go even extensively before those who have access to the records of this House, it ought to be preserved as a precedent, and it does appear to me that the case will have a deterrent effect. I do not believe that we shall ever have an application of the kind again; therefore I think the expunging of the record would be, from that standpoint a great mistake.

HON. MR. MCKINDSEY—The hon. gentleman should not forget that he voted the other day not to suppress that evidence.

HON. MR. MACDONALD (Midland)—I beg the hon. gentleman's pardon, but I have made no statement inconsistent with anything I have stated from the beginning of this case to the present, and rose with the greatest possible diffidence to speak about a case on which I would rather be silent.

HON. MR. KAULBACH—I may say that the hon. gentleman from Victoria has in his explanation of what was done by the Committee, relieved me of a great deal of what I had to say. In that Committee we took care, as in a court of justice, that nobody was present in the committee room but those who had a legal right to be there. We also took care that none of the evidence should be circulated, and that only one copy should go into the hands of each member. More than that, we took care that it should not get into the hands of the members of the other branch of the legislature, unless it was necessary, in order that they should

adjudicate upon this matter. As far as the Committee are concerned, we took every means, I think wise and prudent means, to prevent unnecessary publicity of this evidence. Therefore the leader of the Opposition was unjust in the charge he made against us. I scarcely believe that he meant to censure the Committee particularly in this matter but condemned in a general way the dissemination of such literature. As regards the language in which those questions were asked, it is very well for professional men who can sometimes put those questions in a way that even lawyers could not do to criticize them ; but it must be borne in mind that it depends largely on the character of the witness. Sometimes we have to use very plain language to draw from the witness the proper answer. We found that to be the case with the witnesses we had before us, and, therefore, I think the reproach of the hon. gentleman from Halifax (Mr. Almon) as regards the manner in which the questions were put is not justified.

HON. MR. ALMON—There is a difference of opinion on that point.

HON. MR. KAULBACH—If the hon. gentleman had been there, he would probably have been of the same opinion as we were. It was a delicate matter, and it was only a strict sence of absolute duty to have the evidence properly before the House that necessitated these questions being put. We found in this matter that the woman who brought in this petition, did so knowing that the allegations were false, and that she had nothing to justify it, and we have reported to that effect ; and under these peculiar circumstances, having made a special report, we felt that the respondent being brought here without reason to justify it in any way, that part of his expeses should be paid. It was humiliating enough to have been brought here under such circumstances without being put to a heavy expense. As far as the hon. gentleman promoting the Bill is concerned, there was no desire on his part or on the part of the petitioner to withdraw the case from us ; in fact it was pressed to a conclusion, and we were obliged to take the course that we have taken.

HON. MR. MCKINDSEY—I do not think that the hon. gentleman is justified in saying that.

HON. MR. KAULBACH—I say that there was no desire manifested on the part of the promoter of the Bill or the counsel for the petitioner, to withdraw it and they pressed with all zeal, the advocacy of the petitioner's rights. I do not blame my hon. friend for it, and I am sure all the Committee have done their duty fearlessly and with every desire that no further publicity should be given to the evidence in this matter than would bring it fairly before the House.

HON. MR. ABBOTT—I regret very much for some reasons this debate has reached the length it has, because I feel certain that the result of it will be to stimulate public curiosity as to the proceedings on this Committee and give them a publicity which, perhaps, they would not otherwise have received ; but I do not think that the debate has been altogether useless. I consider it is well that the attention of the House should be called to proceedings of this description and that the minds of every member of the Senate should be set to work to discover, if possible, some mode of avoiding the circulation even amongst the Senate, and necessarily afterwards amongst the members of the House of Commons, of such evidence as we had placed before us yesterday. I sympathize very strongly with those who object to the printing of such a mass of prurient stuff as was taken before the Committee, and if it had been practicable I should like to see the circulation being reduced as far as possible to a minimum. But the question is not one without a great deal of difficulty. The members of this House are judges of this question between these two parties. They constitute a tribunal, and they are obliged to pronounce their opinion upon the facts. If any hon. gentleman chooses to take the report of the Committee and rest his opinion upon that, it is matter between himself and his conscience, and his only. If he tihnks he has such confidence in the Committee as to be satisfied with their decision, I do not say he has not a perfect right to do so ; but on the other

hand, those who desire to go further into matters upon which they must pronounce such an important decision, must have the opportunity of seeing the evidence itself. They cannot be denied that opportunity. That seems to point to the necessity for the printing of the evidence, because, although I myself favor the idea of laying the evidence upon the table, and in case where the evidence should not be printed, causing the report to stand for a week or ten days, or such time as may be necessary, to allow every member who chooses to do so, to read it for himself, I am not at all certain that that would answer the purpose. I am not at all certain that it is not necessary, if this House is to pronounce an opinion at all, that we should have the evidence in such a position that every member can see it without the extreme inconvenience of having to read over a single copy placed on the table for the use of all. It is possible that where petitions are not contested, or where the report of the committee is not contested, there might be some mode discovered by which it would be unnecessary to print the evidence, and I call the attention of the new Standing Committee on Divorce to that point. They have heard this debate and they see the importance which every member of this House attaches to it. I do not presume to suggest the mode in which that result might be attained, but I think it is quite practicable, and I commend it to their consideration. Now, in order that an erroneous impression may not go forth to the public as to the practice of this House in this respect, and as to the extent of the circulation of this unpleasant kind of literature, let us see what are the facts. We heard something about thousands of those documents being circulated throughout the length and breadth of the land, contaminating women, girls, and boys; but the simple fact is this: A number of copies, sufficient to give to every member of the Senate one copy, and to every member of the House of Commons one copy, were printed and taken charge of by the Clerk of this House. That I understand to be the fact, and the number circulated in the first instance is one for every member of the Senate. The others are retained under lock and key, if the Bill is dismissed in this House, and they go no further. They are destroyed, or placed in such a position that they cannot be made use of; so that the utmost number in circulation in this particular instance is a copy for each member in this House, and there the publication stops; so that the hon. gentleman from Acadie must see that if there has been any circulation given to it in the press, it can only be what members of this House chose to give to the public. I am sure that every hon. gentleman is sensible of the impropriety of giving such matter publicity. Every member has his copy of the evidence, and I am sure that when he has read it, it will be destroyed. It has been said said that it was seen in the hands of boys on the streets. I hope this is a slight exaggeration. I have no doubt that the hon. gentleman did see it in the hands of a boy in the street.

HON. MR. MCINNES—I did not say so; I said an hon. gentleman told me he saw it.

HON. MR. ABBOTT—I do not wish to convey the impression that the hon. gentleman from British Columbia said so; but I meant to convey that an hon. gentleman told him he had seen it in the hands of a boy.

HON. MR. MCINNES (B.C.)—I said this: that I was informed on Tuesday last, about an hour after the hon. gentleman from Lunenburg asked that the report of the Committee be postponed until to-day, by an hon. gentleman who was here, that he saw it, and that he had got a copy of it from a boy fifteen years of age on Monday evening, and he asked me if I had seen it. I told him then I thought it was my duty to draw the attention of the House to the fact. He said to me, "I am afraid if you make it public you may get the boy discharged."

HON. MR. ABBOTT—That agrees with what I have said—that in all probability one boy had a copy; but this House can hardly deal with a probability of that description, when the probability would contemplate a violation

of the rules of the House and of the duties of its officers and printers. What we know from my hon. friend is that one boy had one copy, and not that copies of this document were circulated broadcast throughout the city. If, however, one boy had one copy, that is a violation by somebody of our rules. Probably the boy himself purloined it; if not it might have obtained from the printer's office in some improper way. I hope that the members of this House who constitute the standing Committee on divorce will look into the matter and see if that any precaution can be taken to prevent an occurrence happening again. After all, the circulation broad-cast of thousands of copies amongst the women and children and girls and boys of this Dominion, resolves itself into this: that 84 copies—perhaps I may be a little wrong in the figure—of this paper have been circulated in the Senate, by giving one to every member who is himself a judge and is entitled to see the evidence before he renders judgment upon the facts.

HON. MR. MILLER—About 60 copies have been issued.

HON. MR. ABBOTT—I did not investigate the number. What I am informed is that the number issued was exactly the number of members of this body, the men who are the judges to decide the case. If more have been issued it is contrary to the rules of this House, and the practice should be stopped. If the Bill passes this House the members of the House of Commons will become judges in their turn, and they also must have a copy each of the evidence if they desire it, and it would be impossible, without depriving them of their character of judges, and without deprividg us of our character as judges, to avoid the necessity of issuing them.

I observe in this report a recommendation to pay the respondent $20. I think that is an objectionable feature in the report, and I would be verry sorroy to see such a principle adopted, if it is to be drawn into a precedent. I do not intend to move to amend the report in that respect, because I am imformed that this man, who was brought here by a summons from this House or from the Committee, was without means and would have been unable to reach home again if he had not been given this amount. Therefore I shall say no more upon that subject beyond the hope that respondents and petitioners will not be led, in future, to believe as a rule that they will have their conduct money.

Now, as to the suppression of this debate in the report, I am perfectly satisfied after the expression of opinion in the House that the newspaper reporters will curtail what has been said, and will publish nothing that may attract any particular attention beyond the fact that this matter has been discussed, and that a strong expression has been made use of by the House in favor of the greatest possible privacy in such matters, and the precaution which the House has taken in order to prevent such evidence from going to the public. I do not think our debate should be expunged from the Senate Debates. The discussion has been instructive and as the official report does not form a popular medium of communication with the public, I think it should probably remain a record in our Debates for reference hereafter.

HON. MR. DEVER—I just got one copy of the evidence as, I presume, every member of this House got a copy. I have been applied to by two members of Parliament for the use of that copy, but I felt it my duty not to comply with their request. I have got the copy still, and I intend to either destroy it or keep it; and I trust the members of this House will act in the same way. I desire to say just one word more, and that is that I was present at the committee when the evidence was given by those parties, and I must say I was led to believe that the petitioner had proved her case when she had got through with her evidence. I was certainly under that impression, but I would not like to assume that other members of the Committee were also under that impression. If it had not been for the great service of the medical gentlemen who were called upon, and who were members of the Committee, and had given such assistance as no other gentlemen could have given, I

have reason to believe that the Committee would have been impressed with the feeling that the evidence of that woman was truthful, whereas it was clearly established by these medical gentlemen that instead of that being the case it was not to be credited. I do trust that when the new committee is formed to consider divorce cases that it will be the pleasure of the Government, as well as their duty, to place on that committee at least one or two gentlemen of the medical profession.

The motion was agreed to and the report was adopted.

HON. MR. MILLER—Now that the report has been adopted I presume it is the intention and wish of the House that the 250 copies for the House of Commons shall be destroyed?

HON. MR. ABBOTT—If any special instruction is needed to that effect, I move that it be an instruction to the Clerk to destroy all the copies in his possession.

HON. MR. POWER—I think the rule is that some 12 copies should put on file as part of the record.

HON. MR. MILLER—The motion does not apply to the number necessary to be put on the record; it applies only to those copies intended for the House of Commons.

The motion was agreed to.

MONTREAL ISLAND RAILWAY BILL

SECOND READING.

HON. MR. LACOSTE moved the second reading of Bill (70) "An Act to incorporate the Montreal Island Railway Company."

He said—This is a Bill to incorporate a company to build a railway around the Island of Montreal. The Company ask to be invested with the ordinary powers and privileges of a railway company.

HON. MR. ABBOTT—There is no objection to the second reading of the Bill, but I would call the hon. gentleman's attention to the fact that it is a local Bill and it is not declared to be a railway for the public advantage of Canada.

HON. MR. LACOSTE—It is not necessary that in a Bill of this kind this clause should be inserted, if this railway is to be amalgamated with the Canadian Pacific Railway or Grand Trunk Railway at any time.

HON. MR. ABBOTT—My hon. friend has taken power to do it but I do not understand that it necessarily follows.

The motion was agreed to and the Bill was read the second time..

TOBIQUE GYPSUM AND COLONIZATION RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. HOWLAN moved the second reading of Bill (79), "An Act to incorporate the Tobique Gypsum and Colonization Railway Company."

He said—This is a Bill for the incorporation of a company for the manufacture of gypsum and to build a railway.

The motion was agreed to, and the Bill was read the second time.

OTTAWA & PARRY SOUND RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (75), "An Act to incorporate the Ottawa & Parry Sound Railway Company."

He said—This is a company who intend to build a railway from Renfrew to Parry Sound, through various townships in the lumbering districts where it is greatly needed for the prosecution of that important trade.

The motion was agreed to and the Bill was read the second time.

BILLS INTRODUCED.

Bill (39) "An Act to amend the Revised Statutes of Canada, cap. 97, respecting ferries." (Mr. Abbott).

Bill (65) "An Act respecting a certain treaty between Her Britannic Majesty and the President of the United States." (Mr. Abbott).

The Senate adjourned at 5:25 p.m.

THE SENATE.

Ottawa, Friday, April 20th, 1888.

The SPEAKER took the chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbours without amendment, were read the third time and passed :—

Bill (53) "An Act to make further provision respecting the Brantford, Waterloo and Lake Erie Railway Company. (Mr. McCallum).

Bill (25) "An Act to confirm the charter of Incorporation of the Great North-West Central Railway Company." (Mr. Clemow).

DESTITUTION AMONG THE INDIANS.

INQUIRY.

HON. MR. GIRARD inquired—

Whether any measures have been taken by the Government, and, if so, what measures, to put an end to the state of destitution in which the Indians of the North-West Territories find themselves, and whether it is true that the Indians of Lake Ste. Anne are entirely destitute and are dying of hunger?

He said—In seeking this information, I have no desire to accuse anyone, but simply to bring the matter to the notice of the Government and of the public. The Indian question has engaged the consideration of legislators for many hundreds of years; everyone has tried to improve the condition of the poor Indians, and I think the result at which we have arrived is not satisfactory. The Indians are in the position now that they occupied perhaps 200 years before, and why? Each of us may have his own opinion on the subject. I believe that the policy adopted in dealing with the Indians was not a wise one—that the emancipation of the Indians should have taken place sooner, and they should cease to be treated as minors in any part of the Dominion. The present generation should be the last one to occupy that position; we should lead them to understand that they must assume all the responsibilities attaching to the position of civilised men. As long as this is not done, I think we will not arrive at a satisfactory conclusion in dealing with them. They are naturally indolent. We must teach them to work. Perhaps if at the present time the Indian reserves in various parts of the country were divided up amongst them, they would be induced to work, and would not suffer as they do to-day in some parts of Canada, and especially in the North-West Territories. They must learn to work; they must understand that they will no longer be kept by the people of the Dominion as pensioners. They have been long enough kept that way. They are intelligent generally, and if the ways and means of making a living were given to them they would be as ready to utilize them as any other population of the Dominion. Two years ago I was in British Columbia, and saw the industrial schools there, which commanded my admiration. Young half-breeds and Indians were taken into these schools very young, clothed and fed, and when they left them were able to make their own living. I think the Government of Canada should adopt the same policy throughout, and teach the Indians how to work. It should be the duty of the Indian Department and its officials to see that those people are trained in such a manner as to enable them to make their living, so that they may cease to be any longer a charge

upon the public. In some portions of the North-West, as in other parts of Canada, the crops last year were not good, and in some places it has happened there were no crops. That was the case in the district surrounding Edmonton. Everyone who has read the papers must have observed that destitution prevailed among the Indians there to such an extent that in some cases unfortunate people have died of starvation. I think the Government is bound to devise means to prevent such destitution. They must find work of some kind for the Indians. Instead of spending large amounts of money for the transportation of provisions from Winnipeg to the far west for the Indians, it would be a great deal better to use this money to teach the Indians how to work, to provide them with seed in the spring and teach them and assist them to make provision for the winter season. We would then no longer hear of our friends the Indians starving to death. I do not hesitate to call the Indians our "friends," because so long as they have enough to eat they will be loyal to the country. We should not be surprised at their present unfortunate condition: we have kept them as children, and as long as they are kept hat way they will look to the Government for food. In their present condition they have no regular way of making a living. The fish are not plentiful in many sections of the country, the crops have been deficient and they have nothing to live on. Of the buffalo, which once furnished them with abundance of wholesome and nutritious food, only the bones can now be found on the plains. If we do not give those Indians the means to provide a living for themselves, what are they to do? We do not know what may be the consequence if they are allowed to starve There is an old adage that "an empty stomach has no ears;" hungry men will not listen to reason. I know the condition of the Indians causes apprehension among my friends who live in that part of Canada. There is no immediate danger, but the Government should lose no time in giving attention to this matter. The Indians will not much longer remain quiet while their children are starving. No doubt the Government have given orders that they should be looked after. We know how important it is to keep faith with the Indians; either promise them nothing at all, or, having given your promise, carry it out strictly. It seems that in some places the Government made promises and only partially carried them into effect. In proof of this I call your attention to the following which I find in the Edmonton *Bulletin*:—

"Enquiries made respecting the amount of provisions and supplies furnished the Lake St. Ann Indians by the Department shows that although it was agreed in the fall that they would require and would be furnished thirty sacks of flour and 1,500 lbs. of bacon per month during the present winter, together with 40 blankets and 250 yards of serge, the actual amount of flour furnished during the three months past was 50 instead of 90 sacks, with 250 lbs. of bacon to each 10 sacks of flour, except on one occasion when 400 lbs. of bacon was delivered with 10 sacks of flour. That is, instead of receiving 4,500 lbs. of bacon in three months, as promised, they only received 1,400 lbs. less than one month's allowance for the three months. The blankets promised were on the way to the Lake this week, but the serge promised has not yet been heard of there."

I know how hard it is to get supplies to these people, but having undertaken to do a certain thing, let us carry out our undertaking. They do not understand that the white people cannot keep their word: they have naturally respect and consideration for the white people, and cannot understand that they will deceive in any way. I think the Indians in some parts of the North-West wish to be emancipated themselves. At different meetings which have taken place, and where the question has been debated, instead of asking for treaties the Indians of Lake St. Anns and other parts of the far west would rather have lands given to their tribe—lands on which they could live. I wish to call the attention of the House to another extract from the Edmonton *Bulletin*. It is as follows:—

"Louis Hamelin, trader, arrived from Lesser Slave Lake on Wednesday last, 18th January. In Peace River, where there are no fish, there is a great deal of hunger, and the Hudson Bay Company are compelled to furnish food to a number of the more helpless Indians around Dunvegan. It is proposed to bring as many of this class as possible to Slave Lake so that they may live

on fish. A number are now gathering at Sturgeon Lake, south-west of Slave Lake towards Smoky River, where the fishery begins in January and where they will be able to support themselves for the rest of the winter. There is no sickness among the Indians now, but last winter about 150 died at Slave Lake alone from measles and whooping cough. Regarding the letter received from Slave Lake in the fall by W. Anderson, Indian Agent, to the effect that the Indians and half-breeds there would have no dealings with the Canadian Government and did not want to make any treaty, Mr. Hamelin knew nothing. It certainly had not been sent with the knowledge or consent of the majority. At a meeting held this winter to discuss the matter at which some thirty heads of families, half-breeds and Indians, were present, the conclusion was reached that the issue of scrip to Indians as well as half-breeds would be more acceptable to all parties than an ordinary treaty with the Indians and an issue of scrip to the half-breeds alone. Mr. Hamelin and Donald Ferguson were appointed to represent the meeting in the matter, and to say that the people were ready now to enter into such an arrangement. About three-fourths of the population at the Lake are half-breeds, and the remaining fourth Indians."

Under these circumstances, I think the Government will feel that the time is not far distant when it will be necessary to give these Indians lands for cultivation. It is the only way to put an end to trouble on the subject and at the same time to give the Indians an opportunity to become useful subjects to the Dominion. I would now like to read to the House the result of a meeting between the assistant Indian Commisisoner and some chiefs of these Indians. It was held early in March at Edmonton. Many of them complained not only of destitution, but that they were actually starving. A young man said he had lost his wife and two children by hunger, and as he was now alone he could manage to support himself. Alexander, a great chief among these people, said:—

"You were sent word last spring about sickness on the reserves. On my own reserve many have died of sickness and hunger. Medicine is no use without food. Thirty have died on my own reserve, and fifteen besides. Five of my own children have died, most of them grown up. I sent word every day, but you would do nothing for me. You think what I say of the sickness is not true. I tell you in your ears you lie, when you say you take the part of the sick children. Mr. Jim had been used to working for the whites. This winter he could get no work. There was no game and no fish, and he had nearly starved to death depending on the Indian Department. He did not go to the whites to sell his country. They came to him to buy it, and now they would not pay the price."

Another Indian said—

"You do not expend as much this year as before. When we could help ourselves you helped us more; this year we cannot help ourselves and you help us less. Do you promise to give us three meals a day until the ice is gone, or is this increase of food to be for only one day? When we see that you will help us we will thank you.

On another occasion the same Assistant Commissioner was about to interview a chief named Pakan, when the following conversation took place:

Commissioner—I have come for the purpose of having a talk with you.

Pakan—I do not want to talk with you. The Government and yourself are no more to be depended upon than a pin. It is not talk we want, but grub.

Commissioner—This is not what I expected when I came to see you and your people. I have come all the way from Regina for the purpose of having a talk with you and your people. Could we not meet at your house?

Pakan—No.

Commissioner—Why? If you came to my house at Regina and wanted to see me on business, I would ask you to come in.

Pakan—Hee, hee, hee. I started from here three years ago, on business of importance, and on my arrival at Regina I had to stand outdoors in the rain all night till noon the next day, at the Government house, although you drove right in front of me three times during the day.

Commissioner—Here is a piece of tobacco and a little tea you had better take home.

Pakan—Sugar is what I want, so that I may have the taste, for your talk will be only sugar-coated words without any tastes. If you have anything to say speak to the councillors.

I could go on quoting extracts of this character from the files of this paper, but I have read enough to show you that something should be done—enough to convince the Government that the time has arrived when they should adopt a policy more in accord with modern views. It surely is possible to do something for these unfortunate Indians. We want to people our Dominion, and are expending large sums of money every year to import settlers. These Indians are in the country with their families; they are intelligent naturally and only

need education and to be taught how to support themselves. If there is any way of improving the condition of the Indians it should be done. For my part I intend to draw the attention of the Government to the subject whenever I receive any information which I think should be in their possession. I now await with respect and confidence the answer of the Government to my inquiry. I am sure that on their part they are disposed to do what they can towards civilizing the Indians and keeping them, as they are now, among the best and most loyal of the Queen's subjects in Canada. Those Indians have no policy of their own, except to see that we take good care of them, and if we give them proper protection and assistance we may feel certain that no better or devoted subjects of the Dominion can be found in any part of Canada. But in the meantime we should not let them starve. If it is necessary to expend money to save their lives let us do so, and let us take action before it is too late. We should exert ourselves to the utmost to remove all cause of complaint on the part of the Indians and at the same time to make them, if possible, self-supporting.

HON. MR. ALEXANDER—Before the leader of the House replies to the enquiry which has just been made by the hon. gentleman from St. Boniface, I desire to add one or two observations. This is a grave enquiry, coming from such a quarter. The enquiry comes from a gentleman, who, from his residence in the North-West—from his intimate acquaintance with the condition of the Indian tribes—from the deep interest he has ever taken in the well-being of those tribes, and his knowledge of the changes which have been brought about from the advent of civilized men into that region (is competent to speak with authority.) When we further consider that that enquiry is from a warm supporter of the Government, who has made it his duty to ascertain the facts, and is moved now by Christian sympathy with the poor red man, to make this appeal on behalf of the tribes of Indians at Lake St. Anne's, which I believe lies north of Edmonton towards the Peace River, I say that such an appeal must be effective with the Executive Government. When, hon. gentlemen, we come to regard the the history of the red man, going back beyond history and all tradition, we cannot remain unmoved as to our solemn obligations to protect them from want. We know little of their existence beyond the time when Prince Rupert in the reign of Charles II. was instrumental in establishing the Hudson's Bay posts throughout that lone land, for the purpose of opening trade with those tribes of Indians, purchasing their furs in exchange for rifles and powder, blankets, cottons, etc. etc., to enable them to endure the severity of their Arctic winter. When we come to look at the position of those tribes, and to reflect that God has placed those Indians there (and they may have existed there for thousands of years; for we know nothing of their past history.) No historian has ever been able to throw any light on the question of how the red men came to be transported to this northern continent from some other part of the globe. Everything is a mystery regarding them. When the white man first appeared he found them scattered over those broad prairies—prairies cov ered with the buffalo, their rivers teeming with fish—their forests abounding with moose and other large animals constituting abundance of food for them, and, we may add, that the position of the red man before the advent of the white, was a happy one. The Indian had no ambition beyond obtaining his daily food. From all that we can gather from tradition the red man believed in the Great Father above. His spirit ever looked up to his Manitou, and when the European races appeared the Indian tribes looked to the kings and queens of Great Britain to protect them against injustice or wrong, that might come from their influence or presence. We have all read the works of the earliest travellers—of Palliser, Mackenzie and Lord Milton, as also of the officers of the Hudson's Bay Posts, which paint the Indian living from generation to generation in melancholy solitude, but apparently contented with his lot. They never wanted food, so numerous were the

buffalo which never appeared to diminish in number. But what a change is brought in their condition by the advent of the white man with his pretended civilization! with the blighting influences of his vices? Of course the territory must be used for the white races of the earth, coming like a torrent to supplant the poor red man, and to disturb all his hunting grounds—disturb his paradise upon earth. Surely a solemn duty rests upon the Queen and upon the Parliament of the country, to see that every treaty with those native tribes shall be faithfully carried out on our part. And that, so far as we can, no red man, whether under treaty or no treaty, shall be allowed to starve. The simple obligation rests upon us to see that the red man shall not suffer from famine. The hon. gentleman from Kildonan, as also my hon. friend from Lisgar, have every session called the attention of Parliament to this subject. The Senator from Lisgar has devoted much time and energy to obtain information with regard to these vast regions in our North-West upon the Saskatchewan, the Peace and Mackenzie Rivers, to see how we can best throw in a vast population there, while we should take every possible step to prevent the Indian from suffering. This House and the country are indebted to the hon. gentleman from St. Boniface (Mr. Girard) for calling attention to-day to this subject; it is just such a question as we should expect to emanate from a gentleman whose kindness of heart and Christian sympathy have prompted him to touch the subject now. He, along with the Senators from Lisgar and Kildonan, feel it a solemn duty, that while the Indians have no representative in Parliament, and no one to speak for them authoritatively except themselves, to now raise their voice, as they have always done, to call our attention to the subject. I will not say anything more because it would be wearying the House, but perhaps I may be permitted to relate an anecdote of a scene which once took place between an Indian chief and the late Bishop of Algoma—Fauquier—who performed the duties of his mission with little salary, and travelled the whole region north of Lake Superior, and westward to the Lake of the Woods. I have the anecdote from the mouth of the late Bishop, who was a warm personal friend of mine all his life. On that occasion he went up to the heights beyond Port Arthur to meet a tribe of Indians who with their chief had assembled for that purpose. He was anxious to spread the mantle of the Anglican Church over them. The Church of Rome had not reached that particular tribe although they had christianized many others and when the Anglican Bishop came there to reveal the glad tidings of our Christian Faith he met a very enlightened Chief to whom he observed—"What are your views of religion? What is your view of the next world?" "Oh," said the Chief, "We hope to have our hunting grounds in the next world." "Yes," said the Bishop, "That is very well for the good; but what about the next world for the bad? What about the hell?" "Hell?" said the chief, "Hell never could be for the poor Indian, it has been made for the white man. The Indian lives as God constituted him, clothed in his native simplicity. He lives in the love and fear of God, except when there happens to be a conflict between the tribes. But as regarding the white man, it may be necessary to have a hell for him—for those white men who rob the poor, who bring families to ruin and misery that they may have the means to satisfy their avarice, and feed their vanity and pride, residing in costly mansions. Hell may be necessary for such men, but not for the poor untutored Indian."

Hon. Mr. MacDONALD (B. C.)—The question before us is one of very great importance. No more important subject can be brought before this Parliament, or before the Government or the country. It is a question that appeals to our sympathies and to our sense of right and justice. We are usurpers and occupiers of the land of these poor Indians; we have displaced them in a great may parts of the country and have taken their domain from them, not by right but by might. I am sorry that in this enlightened age the law of England justifies an act of that kind. If a territory is discovered by a European power,

they claim is at their own, take possession of it and give back a small portion to the Aborigines to keep them quiet as an act of charity. In regard to the question before the House it is a most difficult one to deal with. I am entirely opposed to pauperizing the Indians as is being done in the North-West, and so long as the system of feeding them prevails they will continue beggars and paupers on our hands. Nothing but Industrial Schools, and a system by which these Indians will earn their own living will do any good. The system which now prevails with the Indians, I am sure, must be very unsatisfactory to the Government themselves. They employ a number of agents throughout the country, whose duty it is to issue a few rations at stated periods to the Indians and write up an annual report. Some of the agents are untruthful and make false reports and mislead the Government. Before I was aware that this motion was coming up, I had prepared a question myself in the same direction in relation to the Indians of British Columbia. I would suggest now to the Government that they should take means at once to establish industrial schools, whether in farming, fishing, or some other direction for the behefit of those Indians, because the present system is unsatisfactory and injurious. The hon. gentleman who has brought this subject forward deserves our gratitude for having done so. If the Indians in that part of the country to which he refers, are starving, they must be fed by the Government, until placed in a position to earn their own living.

Hon Mr. SCHULTZ—I am sorry the hon. gentleman from Woodstock has chosen to give a prominence to this subject, which I am quite sure the hon. gentleman from St. Boniface did not intend, and must have been very greatly surprised at. I understand my hon. colleague in the discharge of his duty—and he has frequently done it before, his special duty in the absence of the hon. senator from Edmonton—to call attention to certain reports of distress said to exist at Ste. Anne's amongst the Indians. I notice that he simply asks in his notice the question of the Government whether this distress prevails there or not. I am not aware of the fact. I do not think that he is aware of the fact, except from the source that he gave to the House, viz., a small paper published at some distance from the spot. I have only to say, with regard to causes of starvation amongst the Indians, that many years ago when the buffalo roamed the plains of the North-West, strange to say, cases of starvation occured even then. So long as we have dealings with the Indians we will always find isolated cases of destitution among them. They will continue to be in danger of being in that state until the wise, humane and far-seeing policy inaugurated by the right honorable the ex-Superintendent of Indian affairs works out its legitimate purpose. I believe that the Government are trying to do their best to wean the Indians from the chase, and make of them agriculturists and dependent upon the same source of supply as the whites and half-breeds. I have said that these cases of starvation have occurred before, and will occur again, and they arise from the same cause. Twenty years ago the Indians of the plains were in a state of starvation ; an extremely cold winter had driven the buffalo south of the Missouri, and extensive spring rains had so swollen the rivers that the buffalo could not get back north to their summer feeding grounds, and hundreds of Indians suffered the pangs of starvation in consequence. Could any Government under the sun have helped a case like this? We have learned from the far north that where the caribou take the place of the buffalo to the south, they come in hundreds and thousands from the Barren Grounds and the Indians lie in wait for them, and in a few days kill enough of them to furnish their winter supplies. At last, through some strange freak of those animals they took a course different from the one they were accustomed to, and they entered the woods further to the north or further to the south of the expected place, and then there was starvation amongst the Indians during the winter. What Government can protect the Indians against an incident of this sort? It has come under my notice incidentally, that one of the causes of

starvation which now exists amongst the Indians is this: Since the buffalo ceased to be the food supply of the Indians they have had to fall back on the rabbits and fish. It so happens that there are no large fishing lakes nor streams near Ste. Anne's, and this is one of the years in which by some strange law of nature the rabbits, which usually exist in thousands and are easily caught by the squaws and children of the Indian camp, are suffering from their prevalent disease, and are now at their minimum; and this cause, together with the fact that certain climatic influences caused the loss of the crops to the white settlers in that neighborhood, as well those of the Indians, is quite sufficient in my mind to account for the possibility of distress existing there. But I do not for a moment believe that the editor of this paper knows more about the state of affairs amongst the Indians than the Government through their agents; and I am quite certain that humane as he seeks to appear to be, he has no stronger desire than the leading officials of the Department to relieve all legitimate cases of distress which exist amongst the Indians of the neighborhood.

HON. MR. ABBOTT—I think this discussion, valuable as it is, affords proof of the inconvenience of having a long debate upon a question. In the House of Lords, which is our model, it is permitted to a gentleman asking a question to explain the purport of it, and that is no doubt convenient; but debates upon it are restricted, though not entirely prohibited. Had I known the range which this debate would have taken, I should have been prepared to go into many details about it, and to answer many remarks upon the subject matter of the question, which at present it can hardly be expected I should be able to do. But there are certain points in the discussion which I may remark upon, and there are certain facts relating to the agents and their management which I know, and which, I have no doubt, many members of this House know. It is very well for hon. gentlemen to say that these Indians must be fed—that if they are starving we must supply them with food; and for other hon. gentlemen to say we msut cease pauperising these Indians, that we must feed them if they are starving, but that we must not give them charity. That bears upon one of the difficulties which the Government experience. If those hon. gentlemen who address these sentiments to the House were to set to work and prepare a practicable scheme by which they could prevent the Indians from starving and at the same time not pauperize them, they would confer an enormous benefit on the country, and it would be very advantageous to the Government, for I can assure those hon. gentlemen and the House that there is no subject in connection with the North-West that attracts the attention of the Government more, and gives it more anxious consideration than this problem of the Indians. They have taken such steps as, in their opinion, will gradually wean the Indians from the life of improvidence to which they are accustomed; to teach them industrious habits, and to educate them to the extent of providing for themselves; but I really believe that of all the savage or semi-savage races in the world the North American Indians are the most criminally improvident. In warmer climates where savage or semi-savage people live, the natural products of the soil, and the fruits and nuts indigenous to the country, are very frequently sufficient to support them throughout the year. They have a climate more temperate, so temperate in many instances as to give them all the year round the crops which grow naturally in the soil and upon the trees, to support them. In the North-West where these Indians live, we have a climate six or seven months of the year, during which it is impossible to obtain anything from the soil and difficult to obtain anything in any other way. The animals even, to a certain extent conceal themselves for protection from the weather, and are not to be got at during the winter season. Notwithstanding this, and speaking from some knowledge of them myself, these unfortunate Indians though one day living in plenty, and more than plenty—in abundance—will not take the trouble to provide them-

selves even with the food lying at their feet for the wants of the next day, and naturally they fall into these periods of starvation and hardship, which a little more prudent disposition would unable them to avoid. The hon. gentleman from St. Boniface, whose interest in the Indian tribes does him credit, suggests that they should be emancipated. That would mean, I presume, to give them separate farms. If they got the titles to those farms, how long would they keep them? How long would they be expected to remain proprietors of the ground, if they had the liberty of disposing of it? And even if they had the titles to their farms I do not see that they would be any better off than they are under the present system. Any Indian who is disposed to cultivate a piece of ground, can now have it set apart for himself, and can have the products of it for himself if I understand the system rightly. I am pleased to state that they now have schools for their children, they are furnished with seed and agricultural implements if they choose to work and learn, and they are taught how to use them. And in these ways the Government is attempting to lead them towards making more civilized provision for their wants, and using more reasonable foresight for what they require, and they get what work they can or will undertake from the adjoining settlers. I ask those gentlemen who make suggestions as to the treatment of the Indians being entirely changed, what more than that can be done with any reasonable prospect of success? To give them the property would be to place it in the hands of speculators, who would go round among the Indians and buy their farms for a few glasses of whiskey; and in a country like that it would be impossible to prevent such a practice. In the North-West, tracts of the finest lands in that country are placed at the disposal of the tribes, and they can have the exclusive use of their portion of these lands, and the product of their separate portions secured to them just as effectually, and the benefit of what they raise upon them kept for themselves just as effectually as if they owned the soil. I assure the hon. gentleman from St. Boniface that if he can make any suggestion for the improvement of this system, and if the hon. gentleman from British Columbia can show how these Indians can be supported without being paupers—if any hon. gentleman can tell us how we can keep them from starvation without giving them food, and if we give them food how we can avoid continuing them in their habits of what one hon. gentleman calls pauperism, it will help us out of these difficulties. The course the Government is taking is what I have stated. They are endeavoring to lead these Indians into more provident and industrious habits by all the arts known to them. They cannot be forced into them. They might be made serfs and forced to work, but that would be foreign to our institutions, and would be practically impossible to be carried out. I do not see myself in what way the policy can be altered for the better, and I should be thankful to receive any suggestions. At the same time, I feel that it is a subject which any hon. gentleman is quite justified, and is to be commended, in bringing before the attention of the House and of the Government, and I hope every hon. gentleman who is within reach of my voice, and every one interested in the prosperity of the country, will consider this problem and will endeavor to find a satisfactory solution for it.

Now as to the question which my hon. friend has put to me, this is the answer which I received from the officials of the Department, and upon some enquiry which I have made, I have no doubt it is correct.

As soon as the Department of Indian Affairs was informed of the alleged destitution among the Indians, especially those of the Edmonton and Victoria districts, the Assistant Indian Commissioner for the North-West Territories was despatched to the aforesaid points to make enquiry into the matter, and take such steps as might be necessary in the premises, and the result of his enquiry showed that the reported destitution was very greatly exaggerated, and where it was found absolutely necessary, instructions were given for the issue of such additional supplies as would meet the case.

As regards the Indians of Lake St.

Anne, owing to the failure of the fisheries at that point, and the poor hunting season, they were somewhat more destitute of supplies than is usual; but there is no truth in the statement that the Indians at that point were perishing from hunger or of their being entirely destitute.

The information in the possession of Department from authentic sources goes to show that throughout the North-West Territories generally, although hunting was poor and fish were scarce, there was no such thing as actual starvation among any of the Indians in the Territories, as the Department, through its officers, issued sufficient supplies to prevent the existence of such a condition of things.

BILL INTRODUCED.

Bill (4) "An Act to amend the Act respecting defective Letters Patent, and the discharge of securities to the Crown." (Mr. Abbott.)

A QUESTION OF PRIVILEGE.

HON. MR. MCINNES (B.C.)—I rise to a question of privilege. I find that in this morning's *Citizen* there is a synopsis of the debate which took place on the White divorce case yesterday. I will read what the paragraph in that report has attributed to me

"Hon. Mr. McInnes (B.C.) said it was sometimes as necessary to have medical men in the Committee as it was lawyers. It was upon his advice that a medical examination was made, and he was the responsible person for its being public, and after some further remarks he went on to say that it was necessary for once and forever to delegate such cases to a responsible tribunal."

It will be seen, hon. gentlemen, that I am made to assume the responsibility for the publication of that evidence. Now, the facts were quite different: my feeling was to prevent as much as possible that evidence from going abroad; I only wanted a sufficient number of copies printed to enable the members of this House to render a just and intelligent verdict on what was adduced before the Committee. I rise merely to repudiate the idea that I am responsible for the publication of the evidence when my feeling was to suppress it as much as possible.

HON MR. WARK—You said you were responsible for the examination.

HON. MR. MCINNES—Yes, and I take that responsibility; but I certainly never said I was responsible for the publication of the evidence beyond what was necessary for the use of Senators.

The Senate adjourned at 4:30 p.m.

THE SENATE.

Ottawa, Monday April 23rd, 1888.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE DECEASE OF HON. THOMAS WHITE.

MOTION.

HON. MR. ABBOTT—I regret to say that I have the melancholy duty of announcing to this House the death of the Hon. Thomas White, Minister of the Interior. The hand of death has been busy lately with our public men, but I venture to say that there is not one who has departed from us who will cause a greater void amongst us than my lamented friend and colleague Mr. Thomas White. There is scarcely any phase of public usefulness in which he has not distinguished himself during his comparatively short life. The settlement of our country, the progress of education, the great cause of temperance, the advancement of religion—in fact, the general welfare of his fellow-subjects throughout the land of his birth has claimed his constant attention, and have all experienced benefits in a large degree from his unfailing assiduity, his patience, his industry, his vast store of acquired knowledge, and his readiness to listen with open ears to every cause that deserved the support of Christian men and good citizens. In the midst of occupations such as these, he was able to advance himself to the first rank in the service of his country. The position he held in the Ministry of the Dominion was one of the most im-

portant among them. It involved an immense amount of work, great administrative ability, and great patience—in fact, all those qualities which have distinguished him both in his public life and his private career. While thus pressing forward into the highest public position, though a steady adherent of the party to which he had attached himself, he never aroused any feelings of personal animosity. That was foreign to his own nature, and he so conducted himself in his career as not to give occasion for it on the part of others towards him. I venture to say that among his political opponents he will find as many sincere mourners as among his political friends. I do not propose to describe—I could not in fact succeed in describing in detail, the services which he has rendered his country. The best eulogium for those services will be found in the feelings of every man and woman in every part of the Dominion. There is not a city, nor a town, nor a village, nor a household in this country in which the death of Thomas White will not be lamented as a national misfortune. I cannot bring myself to speak of his bereaved family in this great trial, but if it is any consolation to them to know it, they have our earnest sympathy, and that of the whole country in the irreparable loss they have sustained. I move that as a tribute of respect to the memory of the late Honorable Thomas White, Minister of the Interior, this House do now adjourn and that it do stand adjourned until Wednesday next, at three o'clock in the afternoon.

HON. MR. SCOTT—I rise with feelings of the deepest sorrow to second the motion made by the leader of the Government in this House, and to join my humble tribute to the many virtues that he has enumerated belonging to the deceased statesman. I am sure that my hon. friend's words will find an echo in the breast of every gentleman present. For over thirty years the late Mr. White held a leading place among the journalists of Canada. During that long time his active mind and vigorous pen produced day by day many of the leading articles which influenced the current of thought in his native country, and when ten years ago he entered parliamentary life, he stepped at once to the front rank of the statesmen of Canada. The long training he had had on the press, his intimacy with all the public questions that agitated this country for more than a quarter of a century, was so great that he was at once recognized as one of the leading men in the House of Commons, and when the fitting time came that his party were called upon to select a head for the most important bureau in the Government—that is, the Department of the Interior—Mr. Thos. White was selected as the best man to repair any mistakes that may in the past have been made. I desire hear to bear witness to the ability with which he discharged those duties and the fairness which at all times marked his conduct in dealing with the multifarious questions that came before him. While to-day his country deeply mourns his loss, it will in future be reconciled, but we cannot lose sight of the touching allusion which my hon. friend made to the place where his loss is most keenly felt. To the fond wife who for 35 years was his constant companion, it is indeed irreparable. The children who have grown up about them have lost a fond father, for I believe there are few men who are nearer in touch with their own family than the late Mr. White. He participated in all their pleasures, and in all the little amusements of his younger children. He was essentially a family man, one who took joy within his own house, and if to-day it is any consolation to them in their great grief to feel that they have the sympathy of the Parliament of Canada in bearing up with the great sorrow they have to sustain, I am sure that we all cheerfully extend it to them. His memory will long be remembered, and the people of Canada will feel that they owe a tribute of gratitude to him for many of the acts which he performed in the interest of his country.

HON. MR. ALEXANDER—As one who had the happiness to enjoy the friendship of the deceased during the long period of 30 years, I could have wished I had known that the hon. leader of the Senate was going to make this motion, and that one might have

had time to collect one's thoughts, in order to express them properly on so melancholy an occasion. As the leader of the House has observed, the death of Mr. White not only brings sorrow to his own family, but to a large circle of friends, who valued all his good qualities of head and heart. He had friends everywhere who were warmly attached to him from the beauty of his character, from his manly simplicity of heart and manner, he was during the whole of his life so upright and good. The name of Thomas White can only be remembered as one whose has passed through this life without a blemish in his character. He rose steadily by his industry, by the cultivation of his mind, by his usefulness in every sphere of life, not only in connection with his church and with all the various institutions of the country, but also in discharging the duties of a minister of the Crown. His loss is a public loss. His departure to another sphere is not only mourned by his own family, but by us all. We all feel as if we had lost a brother and a kind friend, whom it was an honor to know. While occupying the highest position, he had no vanity or pride. He was always accessible to the poorest applicant, and served all impartially and fairly. All endorse the views so beautifully expressed by the leader of this House. I am sure that many will testify their feelings of sorrow by accompanying the remains of that amiable, good and Christian man, and pay the last tribute to his memory to-morrow.

HON. MR. ROSS (Laurentides)—In French—In rising to address the House I desire to add my humble tribute to the memory of our late friend, the Minister of the Interior. The eulogies which have fallen from the lips of the proposer and seconder of this motion are certainly not exaggerated: on the contrary they fall far short of the truth. Mr. White merited in the highest degree the warm expressions of respect and friendship to which we have listened, and the regret which has been expressed here and which will be felt throughout the country wherever the announcement of his death is made. Assuredly there are few public men who have rendered their country greater service. His loss is cruel and irreparable—cruel and irreparable to his family, cruel and irreparable to society, irreparable to his party and a veritable calamity to the country. There is no man in public life whose death would evoke more universal sentiments of regret and the country will for a long time feel the grief which is shared by every one of us here to-day.

The motion was agreed to and the House adjourned at 3:30 p. m.

THE SENATE.

Ottawa, Wednesday, 25th April, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

VICTORIA COLLEGE, COBOURG.

PETITION PRESENTED.

HON. MR. SANFORD presented the following Petition:—

To the Honorable the Senate of the Dominion of Canada, in Parliament Assembled:

The Petition of the undersigned officers of Victoria College and University,

Humbly sheweth:—

That in the year of Our Lord one thousand and eight hundred and forty-one, being the fifth year of the reign of Her Majesty Queen Victoria, an Act of the Parliament of Canada, dated on the twenty-seventh of August, in the said year, was passed, incorporating the Upper Canada Academy at Cobourg under the name and style of "Victoria College;" and that this name has been and is still borne by said college, since enlarged to the full privileges of a university; and this name is borne upon the diplomas of about two thousand gradu-

ates of this institution, and is cherished as that of their *Alma Mater*, by several thousands of students; that a Bill has been laid before your honorable body asking that another college be incorporated under a name and style embracing the same words and thus giving rise to confusion and to the detriment of our college and its graduates.

Therefore your petitioners do humbly pray that your honorable body will take such measures as will secure to us without infringement the privileges which we have so long enjoyed.

And your petitioners, as in duty bound will ever pray.

He said: I might perhaps state that the privilege of using the name of "Victoria College" was granted by the Queen at the request of the late Dr. Ryerson, and has been continued by the College during the last forty-seven years. The natural tendency of the progress of this age is to abbreviate, and the Royal Victoria College at Montreal which has recently applied for an Act of incorporation would, in a very short time no doubt, have its name abbreviated to "Victoria College," hence the prayer of this petition.

The petition was laid on the table.

HON. MR. SANFORD—I have also a petition from the graduates of the University on the same subject; also petitions from the Methodist Church of Canada and the several presidents of the Methodist Conferences of Ontario, and prominent members and pastors of the various churches to the same effect.

The petitions were laid on the table.

THIRD READINGS.

The following bills were reported from the Committee on Railways Telegraphs and Harbours and read the third time and passed without debate:—

Bill (74), "An Act to amend the Act to incorporate the Kincardine and Teeswater Railway." (Mr. Read.)

Bill (16), "An Act to incorporate the Chinook Belt and Peace River Railway Company." (Mr Sanford)

Bill (75), "An Act to incorporate the Ottawa and Parry Sound Railway Company." (Mr Clemow)

MONTREAL ISLAND RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY from the Committee on Railways Telegraphs and Harbors reported Bill (70) "An Act to incorporate the Montreal Island Railway Company" with several amendments.

He said: This bill, on the face of it, would appear to be a strictly local bill, as it is confined to the Island of Montreal, and this amendment has been made for the purpose of bringing it within the purview of our legislation.

Section 21 of the general Railway Act provides that all railways connecting with either of several important railways, among which are the two mentioned in the preamble of this bill, the Pacific Railway and the Grand Trunk Railway, shall be considered to be works for the general advantage of Canada; but there is no mention of the fact of this railway forming such a connection in the preamble of this bill, and there was therefore no foundation for our legislation, unless that was placed in the preamble. Accordingly, in order to obviate the disagreable situation of legislating for a strictly local matter, we were obliged to insert this amendment in the preamble, in order to bring it within the scope of our own powers.

HON. MR. POWER—Inasmuch as the amendment is one of very serious moment, and the Bill is one which requires some consideration, I should suggest that the usual course be followed and that the amendments be taken into consideration to-morrow.

HON. MR. ABBOTT—As my hon. friend Mr. Lacoste, who has charge of this Bill, is not present, perhaps it would be well for the hon. gentleman from Halifax to move that the amendment be taken into consideration to-morrow.

HON. MR. POWER—I do not desire to be placed in the position of assuming the responsibility for the bill, but in the absence of the hon. gentleman from DeLorimier I move that the amendment be taken into consideration to-morrow.

The motion was agreed to.

TOBIQUE GYPSUM & COLONIZATION RAILWAY

THIRD READING.

Bill (79) "An Act to incorporate the Tobique Gypsum and Colonization Railway Company," was reported from the Committee on Telegraphs, Railways, and Harbors, with certain amendments.

HON. MR. DICKEY—There are several amendments to this Bill. The first is an amendment in the preamble, and in the enacting clause as to the course which the railway shall take. As it came up to us from the Commons, it provided that the railway should beconstructed from a point on the New Brunswick Railway called Perth, up the River St. John to the mouth of the Tobique River, and thence up the Tobique River to a point called Plaster Rock. The promoters have since ascertained that in order to carry that out they would have to pass through a mountain, involving very heavy tunnelling, in order to get o Plaster Rock, which is the next point of junction. This requirement that they should pass up the River St. John to the mouth of the Tobique River, and then up the Tobique River to Plaster Rock, should be struck out, in order that the road might go directly from the place called Perth, the commencement of the line, to Plaster Rock. The second amendment applies to the first meeting of the company for organization, which, for convenience, they have provided shall be at Woodstock, the capital of the county, instead of at Andover, which is to be the future place of the annual meeting. The next amendment is substituting the first Tuesday in July for the first Tuesday in June as the date of the annual meeting, to which I think there will be no objection. The fourth amendment applies to the clause which limits the commencement of the work to a period of a year from the time of the passing of this Act; but as the next section states that this Act shall not come into force until a proclamation shall issue to that effect from the Governor in Council, it became obvious that it was necessary to apply the time limit from time of the coming into force of the Act. Consequently we made the amendment at the instance of the promoter of the Bill.

HON. MR. ODELL moved that the amendments be concurred in.

The motion was agreed to and the amendments were concurred in.

The Bill was read the third time and passed.

SECOND READINGS.

Bill (11) "An Act to empower the Merchants' Marine Insurance Company of Canada to relinquish its charter, and to provide for the winding up of its affairs." (Mr. Ferrier.)

Bill (4) "An Act to amend the Act respecting Defective Letters Patent and the discharge of securities to the Crown." (Mr. Abbott.)

INTERNATIONAL FERRIES BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (39) "An Act to amend the Revised Statutes of Canada, chapter 97, respecting ferries."

He said—This Bill is to alter, in respect to international ferries, the law to be found in the Revised Statutes. That law is restricted in two senses, the one that a license shall be granted after public competition, the other that it shall be granted for a term of five years. These two restrictions have

been found inconvenient, rendering the Act hardly workable. In the first place, an international ferry must be carried on by some person or some company which has the authority of the neighboring nation as well as our own. It requires also large preparation for the service. The right of taking out the license simply means to confine it entirely to one set of persons who have made the necessary preparations to the exclusion of everybody else, and, in addition to that, gives rise to an opportunity for levying blackmail on the person holding the license; that in effect is found to be the operation of it. A person whose license is expiring is threatened with competition in tendering, although the person competing may not have made any preparations or obtained any co-operation in the neighboring country. Then, the time is too short, because the ferries could not be conducted with efficiency, if the person running them could only secure the privilege for a period of five years. It is proposed to amend the Act so as to permit the granting of a lease for ten years, of course with proper restrictions as to cancellation for violation of the Customs laws or of any other law of importance justifying such cancellation. That is really the object of this Bill.

Hon. Mr. SCOTT—This Bill proposes to make a very important change in the international ferries between Canada and the United States, giving very extraordinary powers to the Gov ernment, removing those franchises also from public competition, where they have been for more than a quarter of a century, and allowing the Government to grant a monopoly practically for ten years. I fail to see the advantages of the proposed charge: I think the whole subject is a mistake. We have no right whatever to grant licenses to ferries between Canada and another country. We have a perfect right within our own waters, between one province and another, or on any navigable water on which we choose to institute a ferry; but it is quite contrary to international law that one nation should claim the right to give exclusive authority to craft of any kind to control the business between that country and any other. What would be thought to-day of proposing a ferry between France and England? Yet that is what we are practically asked to do here. The attention of the Government has been called, as I am personally aware, to the great importance of giving this matter consideration when it came up before Parliament, because it has been found under present exigencies to work very badly indeed. It gives, what we ought certainly to avoid at the present time, monopoly rights at important points. We are now on threshold of abolishing monopoly rights. We are called upon to abolish a monopoly granted by Parliament, under special circumstances, and we are giving a consideration for doing so. Yet we are asked to create a ferry monopoly for ten years at such an important point as Sarnia, where, I do not exaggerate in saying, the traffic amounts many a day to over 1,000 persons; or between Windsor and Detroit where on some days the traffic is over 5,000 persons; or between Kingston and Cape Vincent, or between Prescott and Ogdensburg. You may say it is only a ferry between Toronto and Lewiston. If the Government have a right to say that one person shall carry all those who cross from Windsor to Detroit, then they have an equal right to say that one vessel shall have a right to carry all the passengers going from Toronto to Lewiston. We are on the eve of freer relations with the United States, I understand. That seems to be in the wind, as somebody stated the other day in the other House. I notice that a proposition is placed on our table to make certain articles free on condition that the United States will reciprocate. I think it would be a very retrograde movement on the part of the Government of the country to tie up such important highways as the ferries between the two countries. We allow the railways to cross and re-cross; they do not get exclusive rights. There may be a dozen railways crossing at one point. Why should there be restrictions upon steamboats? As matters are now, it is utterly impossible to work such a law. My hon. friend talks of levying blackmail; that is just what is done and

will be done under the present system. Mr. Brown has a license, for instance, from the Government of Canada to ferry between Windsor and Detroit. The owners of a steamer in Detroit have to make terms with Mr. Brown and nobody else; otherwise they will lose half their traffic, and so it has got to be a close corporation on one side or the other. I am not aware that in the United States they adopt this exclusive policy. I do not think they do. In many cases in the State of New York it is the municipality that has the right to grant this ferry. It is, to a certain extent, I know as far as the city of Ogdensburg is concerned. I might call my hon. friend's attention to a case which was probably brought under his own notice where the important traffic of the Canadian Pacific Railway was for a time absolutely imperilled between Ogdensburg and Prescott, because the Canadian Pacific Railway were sending their cars across the St. Lawrence by a vessel which was carrying at less rates than the ordinary ferrymen were charging. An application was made to the courts of this country for an injunction, and for days there was no travel. It had to result finally in a compromise. Unless Parliament in granting its charters to the great railway corporations, the Canada Southern, the Grand Trunk Railway, the Canadian Pacific Railway and others, are able to constitute them independent ferrymen, they cannot pass a bill of this kind. As far as the Grand Trunk Railway Company are concerned, at Sarnia and Port Huron they do their own ferrying. At Windsor and Detroit, where the traffic, as everybody knows, is of gigantic proportions and increasing every day so fast that there are two charters before this House at the present moment, one for an underground railway at Detroit River and the other for a bridge during the winter season—we propose tying up business between those important points by granting a license to one person and for a term of ten years. I cannot believe that the Government of this country have really thought seriously of the consequences to flow from taking any such power and granting any such authority. Unwittingly and unknowingly it may have been represented to them by some report that this was a proper thing—that they would exercise better control over the licensee, and if he were a good and desirable man that he would, by having a longer license, be enabled to invest more money in his vessels and plant—and that they have not considered it in the wider sense that international traffic ought not to be the subject matter of a ferry. It ought to be free—as free as the traffic between England and France. In olden times in this country, when our traffic with the United States had not assumed the vast proportions it has since reached, one could quite understand how it was necessary to stimulate somebody to put a few thousand dollars into a boat; but with the traffic of to-day that is wholly unnecessary and wholly uncalled for. There ought to be the freest possible trade between the two countries so far as the ferries are concerned. I should hope my hon. friend would not force this Bill through until he has an opportunity of further considering it, and perhaps consulting his colleague as to whether it might not be wise to throw the matter open to public competition and have no restriction upon the water traffic between the two countries.

HON. MR. ABBOTT—My hon. friend has taken ground very much wider than this Bill covers. Every argument which he has used against this Bill, or nearly every argument, is practically an argument against the whole ferry system, and I am not prepared, nor is the Government prepared, to say it will give up its entire control over ferries. That control, it seems to me, is a very beneficial control. The control which is established by issuing a license is not merely for the purpose of obtaining the small revenue derived from it, but for the purpose of ensuring that the interests of the public are properly attended to. And this power or control which the Government acquire by taking ferries under their jurisdiction, is in reality to enable them to do many things which are defined in section five of this Act respecting ferries. Section five enables the Government to regulate in the interests of the public, that the vessels shall be of proper size, quality and description. They have

the right to limit the tolls and rates charged to passengers, with provision for reducing them ; to regulate the conduct of persons conducting ferries ; to annul their license if they neglect their duty to the public, and to impose penalties for violation of the provisions of the Act. These seem to me to be most important provisions, which the government of the country would be greatly to blame if they were to give up, and I venture to say that if they were given up a far worse monopoly than the monopoly that my hon. friend is talking about would ensue Powerful companies would be organized which would be able to exclude all competition ; to run when they pleased, and charge what tolls they pleased. Thus the ferries would be at the company's discretion, if the policy of the Government were to be abandoned altogether with respect to ferries. The bill before the House does not touch the principle or policy of the Government having control of ferries ; it merely alters the mode in which the ferry contract may be given and the extent of time for which it may be given; and the reasons which I give for these two changes appear to me to be good ones ; but they do not in any respect bear upon my hon. friend's argument nor does his argument bear upon them. He says " do not let us improve upon the mode of giving out these licenses or provide any mode of establishing the price, but let us abolish the licensing system altogether." I am not prepared, nor is the Government prepared, to admit that the annulling of the licensing system is in the interest of the public. The modifications are not very great, and I think they are an improvement on the old system.

Hon. Mr. SCOTT—Have the Government of this country the right to dictate the terms on the ferry after it passes the dividing line between the United States and Canada? They have no power whatever. They are wholly ultra vires.

Hon. Mr. ABBOTT—My hon friend knows what answer I shall give to that. He has too great a knowledge of constitutional law himself to imagine that there is any doubt about it. The license is simply inoperative as to the power to carry passengers across an international river by itself. It is like building a bridge over an international river. The same objection which my hon. gentleman friend makes would apply to the Sault Bridge. The charter for the Sault Bridge is of no value from this Parliament, except as authorizing a Company to undertake it with the assent of the United States Congress.

Hon. Mr. POWER—I do not go as far as the hon. gentleman from Ottawa goes, for as the hon. gentleman who has just sat down says, Canada can control the ferry steamers carrying passengers to and from its own shores within its territorial waters. Canada can say " You cannot start from a Canadian port unless your vessel is of such a character and with such accommodations."

I concur with the hon. gentleman who leads for the Government here in thinking that it is not desirable that these ferry steamers should be removed from the jurisdiction and supervision of the Government; but I think the spirit of the observations made by the hon. gentleman from Ottawa is perfectly proper, and it is the right spirit. The hon. gentleman from Ottawa takes the ground that there should be no monopoly in the ferry business. I think that it is undesirable that there should be a monopoly in any business. But the leader of the House apparently left out of sight the real point of the objection of the hon. gentleman from Ottawa, and that is that the monopoly or exclusive right of ferriage exists only for five years under the existing law while this Bill proposes to extend it to ten. If a party has held an exclusive right to ferry at Niagara, Sarnia or Windsor for five years, he can not get a renewal of that right without public competition. Now, I think it is clearly a most undesirable thing that the Government should come in and say that they can without any public competition whatever, award a contract for five years, and, in the case of a ferry between this country and the United States, award it for ten years without any competition. Ten years is a very long time in the life of the country now, and to give to any company the exclusive right to ferry at any of those

important points for the long period of ten years is, I think, a very unwise step. It would probably be found that in less than five years very grave inconvenience may arise from that exclusive right. I do not mean to say that the Government is actuated by any unworthy motives, but Governments are only human, and in all probability they would retain their favorites in office as ferrymen. The hon. gentleman has told us that the present system gives occasion for blackmail. I do not see why the Government, instead of proposing to give a monopoly for ten years, should not have taken the ordinary precautions which are taken in other cases to prevent blackmail. The same difficulty about blackmail has arisen in the cases of contracts for Government works. The Government got over that by causing persons who tendered to deposit certain sums of money as evidence of their *bona fides*. Why cannot the Government do it in this case? If it is supposed that parties are likely to tender for these ferries for the mere purpose of levying blackmail, why not compel them to make a respectable deposit with the Government, and that difficulty will be got over? I hope that the Government will take the suggestion of the hon. gentleman from Ottawa into consideration. It is a very important matter, which affects the every day business of great numbers of people and the step is decidedly a step backward.

The motion was agreed to and the Bill was read the third time on a division.

THE FISHERIES TREATY BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (65), "An Act respecting a certain treaty between Her Britannic Majesty and the President of the United States."

He said—The subject which this Bill presents to us is one of incalculable importance to the Dominion, more particularly to certain important Provinces of the Dominion, and I venture to think that it is a measure which is peculiarly adapted for disposition and discussion in this House, because it is a national matter. It is a matter into which the elements of party do not seem to me to enter in any degree, and I feel when I approach it, and place it before this House as I propose to do, that I am dealing with a subject which is becoming the dignity of this House, and that it will receive from the Senate the consideration which the character of its members, its importance, the absence of faction, the absence of any such disturbing element, will enable this House to give it. It is such functions as these which are performed in a large degree by Senates which are of greater importance even than ours, and I feel confident that the Senate of Canada on this occasion, like similar bodies elsewhere, will be found equal to the task which is imposed upon it. I feel confident that this House will give to this measure that careful and impartial consideration which it deserves, and that the conclusions which this House will arrive at upon it, will be such as will be justified by the friendly sentiments which we ought to feel and must feel towards our neighbours, and by the desire which every member of the Senate must experience for a peaceful solution of the difficulties and disputes which have troubled us in this country, and in our relations with the United States for so many years. I venture to think that every member of this House is probably as well acquainted with the history of this matter as I am myself and very likely more so; at the same time I should be unable to present to the House my views upon it, as I desire to do, without venturing upon a short sketch, recalling to the minds of members of the House in a very summary way the facts with regard to the difficulties that have arisen between us and the United States with respect to our fisheries. Without having any intention of wearying the House by a long discourse on this subject, I would just refer to the series of treaties and the series of events which have characterized these difficulties. We know of course that before the war of 1812 there existed a treaty which gave great privileges to the United States fishermen—much greater than have existed since—n fact an almost community of right of fishing between them and the fishermen

of our country. By the war of 1812, as Great Britain contended this treaty was virtually cancelled, and similar discussions and difficulties to those which we have had since commenced after the war of 1818, and lasted until the treaty which is now in force was passed in 1812. Between the termination of the war and the making of the Treaty, difficulties and disputes constantly arose. The Americans contended that the war had not destroyed the force of the Treaty; that it was still binding; that they had the free right of fishing along our coasts as we had ourselves; and they endeavored to enforce these rights, that is to say they endeavored to practice what they claimed they had the right to do, by their fishermen coming within our territorial limits, in consequence of which there were frequent seizures made of their fishing vessels before the Treaty of 1818. In point of fact immediately before the Treaty of 1818 much bad feeling existed among our neighbors on this subject, and we were very much in the same position as during 1886–7. By this Treaty of 1818 a definition was attempted of the rights which the United States fishermen should be entitled to exercise along our coasts, and I would like to recall to the memory of the House the precise language of that Treaty. By its terms, which are very short, it was declared that:—

"It is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Brittanic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Ramea Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands; and also on the coasts, bays, harbors, and creeks, from Mount Joli on the southern coast, of Labrador, to and through the Straits of Belleisle, and thence northward, indefinitely, along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador, but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors or possessors of the ground; and the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry or cure fish on or within three marine miles of any of the coasts, bays, creeks or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purposes whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

The limits to which a part of this clause refers are limits with which we need not deal now—limits within which certain privileges were granted to the United States fishermen; but that portion of it does not now necessarily come under our consideration But while granting the privileges mentioned in the treaty, it declares that in using them the fishermen shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish within the prohibited limits, or in any manner whatever abusing the privileges thereby reserved to them. That was in 1818, and for thirty-six years we lived under the regime of that treaty. During that period, gradually the same class of difficulties arose as those which we had experienced before 1818, only they were more pronounced in their character, inasmuch as there was a more definite law which we claimed was habitually infringed by American fishermen. For those thirty-six years the questions which have agitated these two countries were constantly under discussion. It was contended by the Americans that the territorial limits defined by the treaty of 1818 extended only three miles beyond the shore, and that in measuring that distance the sinuosities of the bays, harbors and creeks were to be followed, while we contended on the other hand that the bays, etc., were not to be entered at all, but that the three mile limit was to be calculated from a line drawn from headland to headland of

these bays, harbors and creeks. This contention grew from time to time, but only assumed very definite and decided proportions somewhere about 1840 or 1841—some twenty years after the treaty. There is no doubt disputes had been constantly going on with respect to this and other disputed points arising out of the treaty; and on several occasions the United States had insisted on its views; but the dispute only reached a definite and decided form about the period referred to. At that time and afterwards, however, their pretensions as to this and other points, were urged and persisted in, and formed the subject of frequent diplomatic correspondence between the two countries; and finally the disputes reached a point where it became obviously necessary that some definite decision should be arrived at upon them. Seizures of vessels were again constantly made; again the same exasperation was felt in the United States, especially amongst the fishermen, as to what they thought were the improper restrictions imposed by Canada, and as to the mode in which those restrictions were enforced; until finally the difficulty was terminated by the Treaty of 1854, ordinarily known as the Reciprocity Treaty. This treaty granted amongst other things free right of fishing practically such as existed under the Treaty of 1783, and of course while it lasted, all our relations were amicable, and there was no difficulty or discussion on the subject between the two countries. But in 1866 this treaty was terminated by notice given by our neighbours themselves. On that occasions it was feared, that the exercise of the strict rights of Canada or of Great Britain under the Treaty of 1818 would be attended with unpleasantness so great and so marked, as probably to create grave difficulties between the two countries; and our public men set themselves to endeavour to discover some mode by which such difficulties could be avoided. They hit upon the license system and for a time licenses were issued under which American fishermen were permitted to fish, and permitted certain other privileges, under several statutes of our own Legislature in 1868-69-70; but the use of this system rapidly diminished, and finally the license proved to be of no particular value as protecting our rights. At first, upon the termination of the Reciprocity Treaty, the American fishermen considered these licenses important to them, and they took them out in large numbers, but each year the number diminished, and it finally became apparent that the license system was not working satisfactorily, the old disputes and difficulties began again to arise: disputes and collisions occurred constantly; vessels were seized and forfeited for infractions of what we contended to be the meaning of the Treaty of 1818; and infractions of the treaty were otherwise indicated under the laws which had been provided for that purpose by Great Britain, Nova Scotia and ourselves. And again these difficulties culminated in 1870, in precisely the same state of things that we had before 1854 and that we have had before our eyes during 1886 and 1887. Again there came an end to them by the making of the Washington Treaty in 1871. The Washington Treaty was one of very great importance, in other respects besides the fisheries; its terms are familiar to everyone who hears me, I have no doubt, as it was made within the memory of us all; and we know the result of it. It is unnecessary for me to refer to the fact of its duration or the result of the arbitration which was entered into under it between Canada practically, and the United States. That of course is a matter of such recent history, that it is unnecessary to follow it through its details. But in 1885 this Treaty was abrogated, and we began to find ourselves in the position we occupied up to 1854, and in 1869 and in 1870, before making the Treaty of Washington. When that Treaty terminated it was agreed that the President of the United States would recommend, or otherwise endeavor to procure, the appointment of a commission, to consider points of difficulty between two countries, and he did so in the winter of 1885; but his recommendation was rejected by a large majority and nothing was done. Then commenced again our difficulties and collisions, our efforts to protect our legitimate rights, which opponents of the

Government at that time contended were not conducted with sufficient severity, that the fishermen were allowed to fish in our waters without being disturbed, that our cruisers were useless, and that no obstacles being in reality interposed, our fisheries were open to all who chose to use them. The Americans were of a different opinion, and during those two years the agitation went on in the United States, more particularly during the year 1887, and every act of our Government in vindication of our rights under the the Treaty of 1818, was charged against us as an arbitary exercise of power, and as a violation of the rights of shipping between friendly countries. All the privileges which they claimed for their trading vessels, they claimed also for their fishing vessels. They renewed their contention with regard to the bays and harbours. In fact the whole dispute which had prevailed at various periods betweeu us, and the United States, on those subjects were renewed with more bitterness than ever. That State of things went on until after an informal personal interview between Mr. Bayard and Sir Chas. Tupper. Plenipotentiaries were appointed for the two countries, for the purpose if possible, of framing a Treaty which would afford a settlement for this vexed question between the two nations. The Commissioners appointed under that agreement have arrived at the Treaty which is now before us embodied in the Bill, and it is that treaty which I am about to ask you to confirm, or take the first step in confirming, by reading for the second time the Bill passed in the House of Commons. The gentlemen who were entrusted with this important duty were certainly men of as great distinction in respect of the qualities essential to its performance as could be found, both on this side of the Atlantic and on the other. Sir Joseph Chamberlain is a well known man, a very prominent politician. His politics have not always met with the approbation of gentlemen on either side of politics in England. There has been that difference of opinion with regard to them that perhaps may indicate that he was not far wrong upon the whole, since both parties at one time or another objected to his views. At all events, he is a thorough man of business, an able and clearheaded man, and he has shown throughout his conduct in these proceedings in the United States the greatest possible zeal for the interest and welfare of his country, in which phrase I include Canada. Sir Charles Tupper was eminently fitted for the position he received on this international question. He is recognized on both sides of the Atlantic as posessing unusual ability and energy; he represented one of the most important of the two provinces most largely interested in the fisheries; and he is thoroughly conversant with the subject. He was accompanied by the Hon. Mr. Foster and the Hon. Mr. Thompson, one of them from his own province, a man whom everybody recognizes as a gentleman of eminently judicial mind and great legal ability, exceptionally well qualified to deal with all the questions which could possibly arise before such a Commission; while Mr. Foster, though not a lawyer, from his residence in New Brunswick, from his position as Minister of Fisheries and his special familiarity with the subject, also eminently competent to discuss and dispose of the subject matter of the reference. Mr. Bayard has shown himself to be, so far as his administration of his section of the Government is concerned, a liberal minded, intelligent and moderate man; and I happen to have the great, good fortune of knowing Mr. Putnam, one of the Commissioners, than whom I think no more able, sensible and honest negotiator, could have been appointed on the part of the United States. I do not know Mr. Angell, but I have every reason to believe from all I have heard of him that he also was a man eminently fair in his disposition and well qualified to judge what was fair between the two parties. It is to this body we are indebted for the Treaty now laid before you, and I propose just to glance at its provisions in connection with the Treaty of 1818, to which it is nothing more than the interpretation and sequence. The Treaty itself, declares with reference to perhaps the most important point in it, its connection with the Treaty of 1818. The first clause establishes, or provides for the establishment, of a mixed Commission, to mark out the limits of the

waters which are to be British waters in the future, according to the interpretation agreed upon by this treaty, of the treaty of 1818. The second clause simply provides for the constitution of this Commission, and the third clause describes the method of delimitation, in accordance with its interpretation, I take it, of the treaty of 1818. In addition to this limitation created by the Act, there is a specification of a number of bays which exceed ten miles in width, which are nevertheless to be included in British waters under the delimitation to be made by the Commissioners.

There are ten of these bays, and they include all the important bays over ten miles wide at their mouths, in the Province of Quebec, Nova Scotia, and New Brunswick, with the exception of Bay St. George; and they also include some of the bays in Newfoundland. I should say, however, at this point, that Newfoundland was also represented in this negotiation by its Attorney-General, informally, of course; but he was there as an advisor or assessor for the representatives of Great Britain; and I have heard as yet no disapprobation from Newfoundland of the terms of the treaty, so far as that colony is concerned. The result of this definition as to what is to constitute British water is this—that as respects ten bays, comprising all the principal bays in Canada, with the exception of St. George's Bay, all of which bays are more than 10 miles wide at the mouth, and all other bays not more than 10 miles wide, or if wider at the mouth than 10 miles, that portion of them within the points when the bay is 10 miles wide remain British waters. The fifth paragraph of the treaty contains a provision with respect to bays which are more than 10 miles wide, but which, nevertheless, United States vessels could not enter under the three-mile limit conceded for by themselves. It is to the effect that nothing contained in the treaty shall be held to include in common waters any interior portions of any bays, creeks, or harbors that cannot be reached from the sea without passing within the three miles mentioned in the first article of the treaty of 1818. That, as I understand it, and as it has been explained to me and I think reasonably, is to cover the case of a bay more than ten miles wide which has a island or islands in its mouth, and which could not be entered by United States vessels, independent of this treaty, under their own interpretion of the law, without coming within three miles of the shore; because of course a British Island is the British shore as much as the mainland; and a bay fifteen miles at its mouth, which if this clause had been omitted, could have been entered by foreign vessels, though there might be an island more than three miles wide at the mouth of it, would be prevented under this clause from being so entered. That is to say, an American vessel, could not enter such a bay without passing within three miles of some shore, either the main shore or the shore of the Island: and this provision is inserted to avoid the possible interpretation that inasmuch as such a bay is more than ten miles wide, they could enter it. If they could not have entered it under their own construction of the treaty, then they cannot enter it under this treaty, although the mouth of the bay may be more than 10 miles wide. That is the construction which I understand, and believe to be the true one, of this clause, about which there has been a good deal of discussion. The 6th, 7th and 8th clauses deal with mere formalities as the mode in in which the delimination of the lines is to be decided. Article 9 is as follows:

"Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States."

The 10th Article of the treaty provides that United States fishing vessels entering the bays or harbors referred to in Article one of this treaty, shall conform to harbor regulations common to fishing vessels of Canada or Newfoundland. The Article goes on to deal with the four cases justifying the entrance of vessels into one of our ports under the treaty of 1818. It says:

They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more

than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

The object of this is plainly to make clear that when they come in for these four purposes they need not be dealt with as trading vessels. In effect the latter part of the paragraph amounts to this—that if they stay in the port longer than is necessary for the purposes specified in the treaty of 1818, then they shall be dealt with as ordinary trading vessels. The conclusion of this Article is as follows :

They shall not be liable in such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of October 20, 1818.

This also applies to the four purposes for which American fishing vessel are authorized to enter our ports by the treaty of 1818. It is merely to remove the pretention, that a vessel entering a harbor for the purposes of shelter, or repairing damages, or purchasing wood or obtaining water—which are really purposes justifiable on the broad principles of humanity—shall be liable for compulsory pilotage or any of those dues which are imposed upon trading vessels making use of those ports. Article 11, provides :—

"United States fishing vessels entering the ports, bays and harbors of the eastern and north-eastern coasts of Canada or of the coasts of Newfoundland, under stress of weather or other casualty, may unload, reload, tranship or sell, subject to Customs' laws and regulations, all fish on board, when such unloadfng, transhipment or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews."

This provision is practically new, so far as it goes, but in reality it amounts to no more than this, that a vessel entering a port after a casualty of some sort, so serious as to necessitate its being unloaded in order to make its repairs, shall be allowed to unload, reload, tranship or sell. The object of this is plain enough: there is no doubt there is a concession in it, but it is one which humanity would suggest. It is a reasonable concession There is no infringement of the rights of our own people possible under this clause. It can only apply in case of serious casualty to a vessel at sea, and most persons would consider that friendly relations with our neighbours would reasonably impel us to make this concession in the case of a vessel suffering from a maritime casualty. The concluding part of the article is as follows :—

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to the United States fishing vessels in such ports promptly upon application and without charge, and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for re-sale or traffic.

Hon. Mr. POWER—Will the hon. gentleman be good enough to explain those words "on all occasions?"

Hon. Mr. ABBOTT—As far as I understand it, I shall be very glad to do as the hon. gentleman asks me: I was about to do it in any case. As I understand it, on all occasions when a vessel has a right to enter a port under the treaty, having previously obtained this license—it may purchase such casual or needful supplies as are ordinarly granted to trading vessels. These are not supplies incidental to the fishing of necessity: they are not such supplies as a fishing vessel would require for fishing purposes, because that kind of supplies would not be ordinarily granted to trading vessels. This therefore would simply entitle a vessel holding a license of this description, to purchase such casual supplies as a trading vessel might purchase—medicine, food and supplies of that description, but not bait, seines or supplies for

fishing purposes, because the supplies referred to in this article are those which are ordinarily granted to trading vessels, and do not include such articles. The next article confers upon fishing vessels of Canada and Newfoundland, all the privileges on the Atlantic coast of the United States which are by the treaty granted to United States vessels on the coasts of Canada and Newfoundland. The 13th article provides for the conspicuous exhibition on every United States fishing vessel of its official number on each bow. It might and probably would be useful in the issuing of licenses, and it is probably for that purpose, and for the purpose of afterwards identifying any vessel that might commit offences against our laws, that a number is required to be put on each bow. Article 14 relates to penalties. Article 15 is a very important one indeed, providing for the extension of trade under certain conditions as follows :—

"Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and of Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual necessary coverings containing the products abovementioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

I presume that that is a condition which needs no explanation and which everoone will approve of.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being re-imposed thereon, the privilege of entering the ports, bays and harbors of the aforesaid coasts of Canada and of Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely :

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits ;

2. Transhipment of catch, for transport by any means of conveyance.

3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

This article would bring about a state of things very similar to that which prevailed under the treaties of 1854 and 1871, with this exception, that it does not give to United States fishermen the right of fishing within the prohibited limits. That is the distinction between this arrangement and the treaties of 1845 and 1871 It appears to me that this section may be advantageously referred to by the hon. member from Halifax as confirming the interpretation I put just now upon section 11—the latter part of the section—inasmuch as the right of buying supplies granted by that section is one of the results of the issue of a license, while the right of buying supplies applicable to fishing purposes only accrues after the removal of duties, and those supplies are evidently not the kind of supplies which are contemplated by Article 11 as being the usual supplies granted to trading vessels.

HON. MR. MILLER—There is no doubt about that.

HON. MR. POWER—The hon. gentleman has not dealt with the 14th Article, which is an important one.

HON. MR. ABBOTT—It did not seem to me to be necessary to go into it.

HON. MR. POWER—It makes a very important change in the procedure.

HON. MR. ABBOTT—The 14th section is as follows :—

The penalties for unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this Treaty, may extend to forfeiture of the boat or vessel and appurtenances, and also of the supplies and cargo aboard when the offence was committed ; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing ; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all three dollars for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defence, order it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defence, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defence only; and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the Governor General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed.

Of course the intention is obvious to make two classes of offenses, one so important as to involve forfeiture, the other to be visited by a penalty which is limited to $3 per ton. The other provisions of this clause refer principally to the proceedings which, as everyone would desire, are made as sumnary and speedy as practicable, and there is a provision to have judgments of forfeiture reviewed by the Government in Council before they are executed. This examination of the treaty seems to me to bring out—at least I intended it to do so—the changes which have been made from the state of things that prevailed under the treaty of 1818, and I propose just to look cursorily at one or two of the more important provisions of the treaty, more especially those that have been claimed to be a surrender of the rights of this country, or Great Britain as representing this country, with regard to the fisheries. The first, and the one about which most has been said, is the delimitation of the bays, creeks and harbors, and it has been contended that by fixing the ten miles limit to the width of a harbor, as indicating the point from which the three mile measurement should be made, we give up largely our rights over the waters of our coasts. Now I maintain that that is not so, and I think it may easily be shown not only that we have given up nothing that we have ever insisted that we were entitled to, but that we have got a difficulty settled, which might have been decided very much to our disadvantage. What is the limit of the width of a bay or harbor which is not to be a common bay or harbor under international law? Now, I defy any gentleman to point out to me any positive determination of that question. Writers on international law speak of it in various terms. Some of them say that it must not be a very large bay; others give various other approximate descriptions of what should constitute a bay belonging to a nation.

HON. MR. DICKEY—Chesapeake Bay, for instance.

HON. MR. ABBOTT—My hon. friend is now speaking of a bay which our neighbours have determined to keep to themselves, and to exercise exclusive powers over. Whether they are right in theory, as a matter of international law, is another question. Another writer describes national water as the extent over which a nation is able to maintain control. He does not define it. It is generally conceded to be as far as a cannon shot can go from the shore, which has been conventionally recognised as three miles. But the Russians have lately been contending that as a cannon shot can now be projected more than three miles from the shore, the limit should be correspondingly extended. So those persons who follow Mr. Vatel and others, who have assumed three miles as a convenient limit for the rights of nations, may find that limit too narrow. However, the limit broadly stated by Vatel is that the right of a nation over the sea adjoining its coast really extends just as far as it is able to maintain control. That principle, it is true, civilized nations nowadays do not hold as a rule: although the United States have broached very extensive theories about their rights over the sea. They have gone so far as to contend that war vessels cannot cruise within so many miles of their coasts, and I think have complained of war ships coming within twenty miles of them. They have laid down the doctrine in its broadest form with regard to their bays, the Chesapeake being one of them. They claim the entire jurisdiction over them all, whatever may be their width, but that has not been, and is not now, the rule usually followed by maritime nations. A great many of the important and leading nations of the world have agreed among themselves as

to what is to be the size of a bay which shall not be a common bay—which shall be the territorial property and under the jurisdiction of the nation within whose territory it practically extends. We ourselves before the treaty of 1854 spoke of the ten mile limit as being a reasonable limit. We proposed after the treaty of 1854—I am not sure whether we did not before the treaty of 1854—to take that as our limit.

HON. MR. SCOTT—The United States were willing to concede the ten mile limit.

HON. MR. ABBOTT—After the expiration of the treaty of 1854, Great Britain declined to enforce the seizure and forfeiture of ships taken at a greater distance than three miles from the shore, even within any bays, harbors and creeks, using the language of the treaty of 1818, and it was only after remonstrances by the Government of this country, claiming that the ten miles was the proper limit, that Great Britain was disposed to concede that it might be ten miles, but it did not and would not order its vessels to make seizures governed by that delimitation, always confining them of late to the distance of three miles from the shore, whether in or out of a bay or harbor. That is the way the question stood as between Great Britain, Canada and the United States when this treaty was entered upon. Our own Government contented for the ten miles; England and her law officers followed the doctrine very much of the United States in that respect. The law officers were not disposed to place any territorial limit to the width of our bays. They said we had a right to have the lines measured from headland to headland, but though that opinion was given many years ago, it was never acted upon by Great Britain by enforcing its territorial jurisdiction beyond the three miles. We ourselves contended, without any censure or reproach that I have ever heard of, that the proper delimitation should be ten miles.

HON.. MR. SCOTT—The Americans have been willing to concede that.

HON. MR. ABBOTT—The Americans have contended that it should be six miles: that is their diplomatic contention, found in reports to the British Government and in the diplomatic correspondence which was constantly taking place between the two countries except while the treaties of 1854 and 1871 lasted. That delimitation of ten miles was one which was recognized elsewhere.

HON. MR. BOTSFORD—In the north of Europe.

HON. MR. ABBOTT—There was a convention between England and France in 1839 with respect to this question by which the limits were fixed at ten miles, and there was a treaty between England and Germany in 1858 to the same effect, making the limit ten miles. There was the north sea convention between England, France, Belgium, Denmark, Germany and the Netherlands by which the limit was fixed at ten miles, so that practically all the great nations of Europe have agreed (with the exception of Russia apparently and Austria, but Austria has not much to talk about in the way of sea board) and have become parties to conventions fixing the delimitation at ten miles.

HON. MR. MCINNES (B.C.)—Does that mean following the sinuosities of the shore?

HON. MR. ABBOTT—No, drawing lines from headland to headland where the bay is 10 miles wide. That is what is agreed upon by all the leading nations of Europe except Russia and Austria, and what is agreed upon by this treaty. The Americans yielded so far as to abandon their pretention that the limits should be 6 miles—that is to say, a marine league from each shore. England abandoned it, as she has done in these conventions since 1839; and all the European nations practically had abandoned the theory, that the limit should be less than 10 miles, and the treaty fixes that limit. It does precisely what England, France, Germany, Belgium, Denmark and the Netherlands had done before the plenipotentiaries settled what, by the consensus of the greatest commercial

nations of the world, for 50 years past had been agreed upon as the delimitation of bays, harbors and creeks. I venture to say that that was a reasonable way to settle the question — a way to commend itself to any man who was disposed to settle the disputed point by an impartial arbitration—by third parties in whose judgment he had confidence. If it had been possible for the two nations themselves to have come together, it could not have been contended by any reasonable man in either of them, that to adopt ten miles as to the delimitation of those bays—following all the commercial and maritime nations of the civilized world—as a solution, was anything unworthy of the dignity, or derogatory to the rights, of either of the contending parties.

HON. MR. SCOTT—My hon. friend is aware, I suppose, that the American Government offered that twenty-two years ago, and have offered it repeatedly since.

HON. MR. ABBOTT—I have not seen it so stated. I have seen a great many cases in which they contended for the six miles limit: I have seen it in the letters of their greatest diplomatists, and the only person of importance who seems to have countenanced the idea that that was not a fair view of the treaty of 1818, was Mr. Webster, though he only gave an uncertain sound on the subject. I do not pretend to say that different opinions did not exist, but I do say that no one will declare that it had been the policy of the United States Government to concede the ten miles limit.

HON. MR. SCOTT—Yes, yes, as I am prepared to show!

HON. MR. ABBOTT—That cannot be said with propriety. The principal for which the United States Government contended was that the three-mile limit should follow the sinuosities of the bays and harbors. Whatever isolated expressions of opinion my hon. friend may find in the utterances of some leading statesmen I cannot say, but that was the general principle which governed the political relations of the United States with England. It was the principle to which they attached themselves and with which we had to deal. As respects the other portions of the Treaty, I see no need of saying anything more of them than I have said already. It has been contended that we are granting to the United States privileges with regard to the Straits of Canso which are entirely new, and which they never had before. I do not find that statement justified by what I have read of the history of the Straits of Canso. I find as far back as I have found any reference to it, that American vessels were allowed to pass through the Straits of Canso as a species of highway from one portion of the Atlantic to the other, which it would be unfair and unjust to deprive them of. In the discussions which have taken place, based upon the reports of our own Privy Council and our own Government for many years past, it has been recognized as a practice which should not be invaded, or destroyed, or disturbed, that there should be this highway through the Straits of Canso, and in that respect I imagine there has been no concession. There is no fishing there. There has been nothing more than a neighborly concession of a shorter route from one part of the ocean to another, to a neighbor who we may hope will always be a friendly one.

The tenth clause of the treaty, which speaks of the harbor regulations, settles a disputed point that was at one time disputed, though I doubt if it has been so of late, that fishing vessels entering our harbors, under their rights, must conform to harbor regulations. The other points as to trading and as to the obligation to obey the laws with regard to Customs, I remarked upon as I passed over the terms of the treaty, and I think I may venture to dispense with saying any more on that subject. There is another matter, however, in connection with the treaty, which is involved in an agreement entered into for the purpose of enabling matters to remain in *statu quo*, until legislation of the two countries shall decide upon it, which is characterized as the *modus vivendi*. This gives certain privileges to United States fishermen during the time necessary for the

discussion and ratification of the treaty made by legislation in the two countries. I need not perhaps refer further to that than simply to indicate the conditions on which they may do so for a period not exceeding two years from the present date. It is merely a temporary arrangement to prevent further irrritation and trouble while the treaty is under discussion in the various legislative bodies. I have nothing more to say on this measure than simply this: It appears to me to be a moderate, a reasonable compromise of the former pretentions of both parties. It does not go so far on either side as jurists have contended it should; it does not give us the extreme limits of right which our representatives from time to time have felt it their duty to claim, and properly to claim; nor does it go the length of the claims which the United States diplomatists and jurists have made on behalf of their country, with regard to the same subjects. It appears to me to be such a compromise as would probably be made on points that are in dispute, when people are really and sincerely desirous to live in harmony together, and to arrive at some mutual point, apart from both their extreme pretensions, such as will restore to them their amicable feelings, and re-establish that harmonious and friendly intercourse between them, socially, politically, and commercially, which they desire to prevail. I sincerely trust that it will have that effect. I claim nothing more for it. I hope it may be ratified, when the time comes, by the Senate of the United States who now have it under discussion, and I hope it will be ratified by us. In order to show our good faith, and the sincerity of our desire to have a termination to the lamentable disputes and quarrels between the two countries, which have been carried on for a period of over a century at short intervals, I hope hon. gentlemen will agree to the second reading of this Bill.

Hon. Mr. SCOTT—In rising to make some observation on the Bill now under discussion, I desire to express my concurrence in the sentiments expressed by the hon. gentleman who introduced this question before the House. I quite share his views in the appeal he made to this Chamber to consider this subject wholly apart from the political aspect. It is, as he properly observes, one of a very large character, and one deserving the careful consideration of this or of any other body to which a similar Bill might be submitted. At one time I thought that we might be embarrassed in discussing the details of this question. I do not think so now. I do not think that anything we say here will have the smallest weight in either ratifying or rejecting this treaty at Washington. The motives that will influence the Senate of the United States in either ratifying this treaty or in rejecting it are wholly foreign, not alone to the action that we might take here to-day, but also, strange and paradoxical as it may seem, are foreign to the merits of the treaty under consideration. I do not think they are considering to day (if they have the subject up at Washington now) the merits of the question. There are motives behind that which influence the Senate of the United States. I shall briefly summarize some of those motives, and first I may say that I think it is pretty well understood that we are here performing a sort of perfunctory work, confirming a treaty which will not be ratified on the other side of the line,—not, at all events, by the United States Senate as at present constituted. Hon. gentlemen are aware that it requires a two-thirds vote of the Senate to ratify this treaty. They are also aware from the public press of the day that the majority of the Committee on Foreign Affairs, to whom this treaty was submitted, have already reported against it. The Committee on Foreign Affairs is said to be divided politically—that is, the Republicans who are in the majority, reject the treaty, and the Democrats approve of it, standing by the administration of President Cleveland.

Hon. Mr. BOTSFORD—With a majority of one.

Hon. Mr. SCOTT—Yes, but unless a portion of the Republican vote is obtained to support the treaty, it must be quite apparent to hon. gentlemen that

at present it cannot be adopted by that House, more particularly as the Senate has already expressed a very hostile opinion on this treaty. Hon. gentlemen will remember that a year ago, when it was proposed that this question should be referred to a joint Commission, the matter came up in the American Senate, and that then, by a vote of 35 to 10, the Senate declared that the United States' President was not warranted in appointing any such Commission, and that he had not the authority to do it without obtaining their previous consent. I believe that that contention could not be supported—that is the latter part of it, that the President of the United States was not empowered, under their constitution, to appoint this Commission without first submitting it to the Senate But I simply quote that instance of the hostile attitude that was taken from the very beginning by the Senate of the United States. Now I come to the influences which I think are at work to defeat this treaty. There is first the political one, as an embarrassment of the administration of the President of the United States. If the consideration of the treaty were deferred until after the Presidential election, it is quite probable that the aspect of the House might in some degree be changed ; but it is pretty well conceded by the press of the United States that at present if the treaty is forced and a vote is taken, it will be rejected. It cannot command the two-thirds vote. It may possibly obtain the support of the majority, who will postpone its consideration for a future day, that future day being the second session of this Congress next year.

HON. MR. HOWLAN—We have provided for that.

HON. MR. SCOTT—I am merely stating what the contingencies are. But unless those motives of the Senate have a considerable support outside of Congress, it must be clear that it is a risky position even for the Senate of the United States to adopt. But I think it will be found, when I draw the attention of the House to the consideration of number of points to which I propose to advert, that there is very considerable sentiment outside of the Senate of the United States sustaining it in the attitude which it now takes on this question. One of the first was the opposition to Mr. Joseph Chamberlain as Plenipotentiary. Mr. Chamberlain had rendered himself very obnoxious to an important element in the United States. After he was appointed to the delicate and important position of Plenipotentiary, he had the very bad taste to go over to Ireland, and at Belfast deliver a speech which was highly objectionable—

HON. GENTLEMEN—Oh ! oh! oh! oh !

HON. MR. SCOTT—I am speaking the truth. I am speaking what the world knows, and, I may say, what the British press has condemned. If hon. gentlemen choose to turn over the files of the London papers, the Manchester *Guardian*, and I may say the whole press of Great Britain, except that portion of it immediately favorable to Lord Salisbury, they will find that Mr. Chamberlain has been universally condemned for his utterances, and that he has been told it was highly improper that he, entering upon a delicate diplomatic task, should publicly utter such sentiments as offended not alone the Irish-American element, but the educated native American element, who recognize that England's treatment of Ireland is not in accordance with the views of the nineteenth century. If hon. gentlemen choose to look at the papers of yesterday they will find that no less a man than Mr. Depew, a gentleman spoken of as one of the coming candidates for the Presidency of the United States, rose in his place on St. George's day in New York and snubbed Mr. Goldwin Smith, because he dared to introduce the question of Irish politics in an obnoxious manner at the dinner of the New York Club. This gentleman, who has not a drop of Irish blood in his veins, holds those views on the Irish question, and I tell the hon. gentleman from Woodstock that Mr. Jos. Chamberlain rendered himself wholly unfit for the delicate position he had undertaken when he made his speech at Belfast and subsequently reiterated his expressions at Islington.

HON. MR. ALEXANDER—I say, without fear of contradiction on the floor of this House, that the conduct of Sir Joseph Chamberlain in Ireland did not in the slightest degree affect the manner in which the treaty was settled at Washington.

HON. MR. SCOTT—I tell the hon. gentleman, yes. Was it not a most unseemly sequel to that speech that he was the only English gentleman who has crossed the Atlantic Ocean in the last ten years who had to be met by a strong detective force when he landed in New York, and taken in charge and escorted by them to his hotel; that he had to be guarded by a large body of men on the train, and wherever he went?

HON. MR. ALEXANDER—Not in the United States.

HON. MR. SCOTT—Yes, in the United States. Sir Joseph Chamberlain was never without a guard of detectives, so strongly had he insulted a large element in the United States, not alone Irish Americans, but fair minded American citizens who felt that Mr. Chamberlain was not the man to be entrusted with a mission of that delicate nature when he had the bad taste to speak, after he had been appointed a plenipotentiary, in the manner he had done of the Irish people. Mr. Chamberlain also compromised the position of Canada. If the hon. gentleman from Woodstock will turn up the speech delivered by Mr. Chamberlain before leaving England, and the references to the question of Commercial Union with the United States, he will find that he said that England would not tolerate it for a moment—that England would object to a large unrestricted traffic under this Fishery Treaty, and that the Commission would not entertain it.

HON. MR. ALEXANDER — Mr. Chamberlain did not say so. Mr. Chamberlain never used those words.

HON. MR. SCOTT—I will turn up the file of the paper and read it for the hon. gentleman presently. It is quite within the memory of hon. gentlemen that Mr. Chamberlain, at a dinner in England, just on the eve of his coming to Canada to fill the delicate position of Plenipotentiary, announced openly that Commercial Reciprocity was not one of the question that he would allow to be discussed on this Commission because England would not permit it. I state that as a fact.

HON. MR. MCCALLUM—He was then speaking as an English statesman.

HON. MR. SCOTT—He was speaking of this country, on the eve of his departure for the United States on a most delicate mission. He ventured to make that statement in advance that he was not open to any consideration of Commercial Union. When he came to Canada he said Commercial Union was a simple "fad," and that there was not a single man in the United States but Erastus Wiman who held views favorable to it. But when he came to enquire into the movement he found that Erastus Wiman spoke for very many more than himself. I feel that if this very delicate matter had been entrusted to Sir Charles Tupper and Mr. Bayard, our position would have been very much improved—that to-day there would be very much less difficulty in carrying this treaty at Washington. Certainly Mr. Joseph Chamberlain could not advise Sir Charles Tupper on any points in this question. Sir Charles Tupper was familiar with it through his whole life. Mr. Chamberlain had but one mission—to make things pleasant for the manufacturers of England,—and that is what he tried to carry out.

Now I come to the third and most important reason why, in my judgment, this treaty cannot be ratified by the Senate of the United States, and here I may say, before I go further, that in the utterance I am giving expression to now I do not profess to speak for any party or for any gentleman in this Chamber. I do not profess to speak for the party with which I am allied. It is quite probable they would not endorse my views on many of the questions as to which I have given utterence. I am speaking my individual, honest and candid opinions on this question. They are merely my own

thoughts, and they are worth just so much on that ground. I say that while the other causes I have adverted to have undoubtedly had their weight, yet the chief cause of opposition to this treaty has been the irritating manner in which the treaty of 1818 has been put in force during the past two years. There is the main reason why this treaty will be rejected, because the treaty of 1818, which this proposes to modify, was wholly unsuited even for consideration in the year 1888; that the circumstances of 1818 and the circumstances of 1888 are so widely different that they do not even offer a fair basis for a new treaty. I approve of the Government treaty as far as it goes, because it is liberalizing the treaty of 1818. It is necessary for us to consider the circumstances, and we have to consider that this matter has been discussed from an entirely different standpoint from ours. We are simply one of the parties to the treaty and we may just as well consider what view the other side takes, and what are their opinions about it in order that we may fairly gauge our position in reference to the subject. Now, to-day, we must go back to the year 1783 when the treaty was made at Paris. At that time provision was made for the share that the Americans, the 13 colonies, (as their independence was then recognized) should have in those fisheries. I will brifly read what they were from the treaty made at Paris after the revolutionary was:

"It is agreed that the people of the United States shall continue to enjoy, unmolested, the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also, that the inhabitants of the United States shall have the liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that Island), and also on the coasts, bays and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground."

The only deprivation that they sustained then was the right to cure their fish on these parts of our coasts that were inhabited; where settlement sprang up that right ceased. In all other particulars they had equal rights with the provinces to share in the fishing.

In this treaty there was no three-mile limit. There was no headland question. There was no refusal to trade. They could come in and trade with the people just as much as they liked. That lasted until the war of 1812. It continued down for 35 years, and then a treaty was made. In that treaty no allusion whatever was made to the Fisheries question; the Americans believing that their rights continued as under the former treaty, frequented the fishing grounds, and for a time enjoyed the privileges of them. England subsequently intervened, and refused them the right. Negotiations took place, with the result that the treaty of 1818 was agreed upon. Now, in order to understand the question, just go back to 1818 and consider the condition of things. England in 1818 was relieved from any European embarrassment. Napolean was a prisoner at St. Helena, and England was all-powerful at sea and on land, having conquered all the enemies that had for a quarter of a century been worrying her. At the time of the treaty of 1818, what were the conditions of the provinces, and the then emancipated colonies of the United States? American vessels entering the provincial ports were liable to confiscation. Provincial vessels entering the ports of the United States were liable to confiscation. No trade existed between them. The law passed the other day by Congress at Washington, in a state of irritation, the Non-Intercourse Act, was mild in its character compared with the condition of things which existed in 1818 when this Treaty was made. Great Britain did not permit provincial vessels to carry trade to the United States, nor did she allow American vessels to trade with the provinces; yet hon. gentlemen would seem to justify

the application of the Treaty of that day to the year 1888, when the whole subject matter of the relations of the two countries has, I am happy to say, undergone an absolute revolution. The Treaty of 1818, as the historian when free from prejudice will picture it, was a victory of a strong power over a comparatively weak one. It is just such a treaty as Germany would have made with France after the capture of Sedan. It was a treaty of a great power made with a weak power. I say it was a treaty unworthy of the great power that dictated it, and wholly unworthy of being looked upon as forming the basis of a negotiation in 1888. Some hon. gentlemen smile. I dare say it is a very radical doctrine, and it offends the sensibilities of a great many hon. Senators; but I am speaking substantial truth—truth that will be admitted as sound doctrine before another quarter century goes over. It is a doctrine which may be unpalatable just now, because we are living under unwholesome conditions; but I ask any man to take up the trade relations which exist now between us and the United States, and the relations which existed then, and say, if a new treaty were to be made to-day with no knowledge of the past, would it be possible to form a treaty such as the treaty of 1818?

HON. MR. ALMON—That is an argument in favor of the adoption of the new treaty.

HON. MR. SCOTT—Yes, and I support the new treaty most heartily.

HON. GENTLEMEN—Hear! Hear!

HON. MR. SCOTT—My only objection is that it was not made part of our constitution long ago, wholly irrespective of the action of the United States; and I say that even should the Senate of the United States throw out that treaty, I trust that the Government of this conntry will put it on record as part of our law, and as our interpretation of the Treaty of 1818 until a better day shall dawn. I say, speaking in the interest of the people of this country, that is the true principle to-day, wholly irrespective of what is done on the other side of the line, that we should, at all events for the present, attach that interpretation to the treaty of 1818. Would it have been possible for the two countries to have lived under a strict enforcement of the provisions of the treaty of 1818 to the present time? I say emphatically no; it would have been an utter impossibility. Down to 1830 there were no trade relations of any kind between the Provinces and the United States. There were, all along our frontier, on both sides, armed forts. People did not cross. There were no such things as ferries in those days; we had no intercourse with our neighbors. They were a strange people whom we hated, and they hated us. A most anti-national feeling prevailed between the two countries, and it continued down to 1830. President Johnson's Proclamation, of the 5th of October created a partial reciprocal commercial intercourse between the two countries.

HON. MR. MILLER—Does my hon. friend cite this as an authority for the statement that fell from him just now that before that proclamation British vessels had not the right to enter American ports?

HON. MR. SCOTT—I say that provincial vessels were liable to confiscation on entering ports of the United States.

HON. MR. ALMON—I presume it would be the same with any vessel coming from a British possession.

HON. MR. SCOTT—The relations between the two countries were so strained—that is the modern term—that trade between the Provinces and the United States was practically abolished. Of course the laws were not enforced rigidly. I do not pretend to say that hon. gentlemen cannot point out exceptions; but the laws were so utterly abhorrent to the people that they were not enforced. No doubt vessels did go in, and we had a sort of illicit traffic between the two countries, but it was contrary to the law of the land unless it was done in British ships. The British Government did not allow any Provincial vessels to

carry on trade with the United States. That continued until 1830, when a change took place, and reciprocal intercourse with the United States became easier. Since 1854, with the exception of a period of six or seven years, during which time our relations with the United States have been growing more natural, more pleasant and more friendly, this treaty of 1818 was in force. When the Reciprocity Treaty of 1854 was adopted, we know that it led to the development of trade to an extraordinary degree between the two countries. As to this question of unrestricted trade, it may be interesting to know what the effect was when the law was relaxed and we were permitted to trade with our neighbors on the other side. The trade of this country with the United States in 1853—that is the united trade, imports and exports—amounted to twenty millions of dollars; in 1854, $33,000,000; in 1855, $42,000,000; in 1857, $46,000,000; in 1859, $48,000,000; in 1863, $55,000,000; in 1864, $67,000,000; in 1865, $71,000,000; in 1866, $84,000,000.

In 1866 the treaty was repealed. So that in the short period, comparatively from 1854 to 1856, our trade with the United States sprang from $20,000,000 to $84,000,000. Hon. gentlemen can form some opinion as to what the effect would be to-day, when the traffic of the two countries is gigantic as compared with what it was then, if trade had been allowed to pursue its natural lines and to flow unrestrictedly from one side to the other. It would not be $84,000,000, but it would be four times $84,000,000. Sir Charles Tupper, in quoting that briefly, gives the aggregate trade for ten years at the sum of $630,800,000, in bringing this matter before the House of Commons. The figures certainly teach an extraordinary lesson of what the trade of this country with the United States would grow to, if permitted to be interchanged free from the tariffs.

HON. MR. BOTSFORD—Whose fault was it that the treaty was abrogated? You speak as if it were the fault of the Government of Canada.

HON. MR. SCOTT—I am speaking of what the effect has been. It takes two always to make a quarrel, and I am not going to detain the House by detailing the causes that led to it. I bring this in merely as an illustration of what the moment we had anything like freedom of trade with the United States, the trade of this country reached.

HON. MR. MACDONALD (B.C.)—Where would the revenue come from with unrestricted trade?

HON. MR. MCCALLUM—Was this country more prosperous then than it is now?

HON. MR. SCOTT—Relatively to the times, the country was more prosperous. The masses of the people were better off. We had fewer monopolists; of course we did not have men who could scoop in a million dollars a year under a favorable tariff. We did not then pay two cents a pound to a Redpath for the sugar we consumed, and we did not pay so much to the cotton lords and iron men for the articles we used.

HON. MR. KAULBACH—We paid twice as much for the commodity.

HON. MR. SCOTT—In returning to the Treaty of 1818, hon. gentlemen must not suppose when I apply the words I have used to it that they have not been used by a gentleman who has probably become conversant with the sentiment of the United States during the last four months. Sir Charles Tupper, in speaking on that subject, embodies what the sentiment of the United States is to-day. In his speech, justifying the position that Canada would take if she approved of this Treaty, he says:—

> "We stand in the position that instead of being alone with the whole United States, President, Government and people all against us, all denouncing us as adopting a harsh and barbarous interpretation of an old, antiquated treaty for the purpose of forcing reciprocity upon them, we occupy the vantage ground."

Those are the views of Sir Charles Tupper.

HON. MR. MILLER—Sir Charles Tupper does not admit that.

HON. MR. SCOTT — Sir Charles Tupper recognizes that that is the feeling of the United States, and you have got to consider that in dealing with this question, it is not a matter that Canada can of her own mere motion enforce or carry out.

HON. MR. McCALLUM—We have half the say, anyway.

HON. MR. SCOTT—It came to an end in 1866, and this protection which my hon. friend described then began, but, as he admits, it was not enforced with such strictness as on former occasions. We had not then the National Policy; we had not a high tariff; we had not the customs laws developed to the condition they are to-day; and so the old treaty of 1818 was not enforced with the same strictness that it was in 1886 and 1887. However, a relief came in the Washington Treaty of 1871, and that lasted until July, 1885, and was continued until the end of that year. Then we were again back on the treaty of 1818, which was wholly unsuited to the condition of things that in the meantime had grown up between Canada and the United States. What was the policy of the Government then? It was announced that the National Policy was to be one of the levers that was to bring about reciprocity. It had not, however, succeeded. Then it was determided that we should put the screws on the United States—that we should enforce this old and barbarous treaty, and that we should insist on having our pound of flesh—that we should carry out the treaty of 1818 in order that we might force the United States to admit Canadian trade into their markets. In order that I may not exaggerate that, I would like to point out how this treaty of 1818 was enforced during the years 1886 and 1887. Before I come to that part, however, I desire to furnish proof of my argument that this treaty, such as it is, is a series of concessions—concessions that I freely and cheerfully approve of, concessions that are properly made, but on another occasion when an attempt was made to claim for the Plenipotentiaries engaged on the other side very great credit for obtaining concessions from the United States, I dissented from it entirely. I fail to see where the concessions have been made on the part of the United States. The concessions are all on the one side. Had we gained anything specially I suppose Mr. Chamberlainwho has been interviwed several times, would have told us where the gains were. Sir Charles Tupper, in an elaborate speech in another place, failed to tell us where the concession were on the part of the United States. There were some beautifully rounded sentences as to the position which Canada and the United States will occupy under the new treaty, but he cannot place his finger on a single concession that has been made on the other side beyond perhaps defining certain bays from which American fishermen were to be excluded. Beyond that single definition of those particular bays I see nothing that the United Stated were not willing to concede 22 years ago. Now, so far as the delimitation of the three miles and of the ten miles and the reservation of certains bays is concerned, I said, when the leader of the House was making his speech, that I would be able to put my hand on the authorities showing that the United States so far back as twenty-two years ago, were willing to make those terms with Canada. This useful blue book that the Government have given us affords a great deal of information on this point. If hon. gentlemen will turn to page 178 they will find there a despatch from Secretary Bayard to Mr. Phelps, in which he encloses certain protocols. He says:—

I now enclose the draft of a memorandum which you may propose to Lord Iddesleigh, and which, I trust, will be found to contain a satisfactory basis for the solution of existing difficulties and assist in securing an assured, just, honorable, and, therefore, mutually satisfactory settlement of the long vexed question of the North Atlantic fisheries.

I am encouraged in the expectation that the propositions embodied in the memorandum referred to will be acceptable to Her Majesty's Government, because, in the month of April, 1866, Mr. Seward, then Secretary of State, sent forward to Mr. Adams, at that time United States' Minister in London, a draft of a protocol which in substance coincides with the first article of the proposal now sent to you, as you will see by reference to Vol. I of the United States' Diplomatic Correspondence for 1866, page 98 *et seq.*

I find that, in a published instruction to Sir F. Bruce, then Her Majesty's Minister in the United States, under date of May 11, 1866, the Earl of Clarendon, at that time Her Majesty's Secretary of State for Foreign Affairs, approved them, but declined to accept the final proposition of Mr. Seward's protocol, which is not contained in the memorandum now forwarded.

Your attention is drawn to the great value of these three propositions, as containing a well-defined and practical interpretation of Article 1 of the Convention of 1818, the enforcement of which co-operatively by the two Governments, it may reasonably be hoped, will efficiently remove those causes of irritation of which variant constructions hitherto have been so unhappily fruitful.

In proposing the adoption of a width of ten miles at the mouth as a proper definition of the bays in which, except on certain specified coasts, the fishermen of the United States are not to take fish, I have followed the example furnished by France and Great Britain in their Convention signed at Paris on the 2nd of August, 1839.

HON. MR. MILLER—That refers to his own immediate proposition.

HON. MR. SCOTT—Am I not right in stating that the American Government made this proposition 22 years ago?

HON. MR. ALMON—I should like very much to know if that was Mr. Seward's individual opinion or if it was approved of by the President and both houses of Congress?

HON. MR. SCOTT—This was a document sent by Mr. Seward in the same way that recent diplomatic documents were sent. He made that proposition twenty-two years ago. He was willing then to appoint a commission to fix the delimitation at three miles and ten miles, and in addition to that to allow certain bays to be named, such as the Baie des Chaleurs, and bays claimed by Canada very properly as Canadian bays. The protocols are found on page 180 at full length, in which the treaty of 1818 is recited and the proposition is made that there should be a joint committee to fix and define the boundary of three miles, so that it would not be subject to the dispute that had risen on that subject, and also to agree on the ten miles, so that as far as the ten mile limit is concerned this treaty has gained nothing for us. There is no concession there, because, as I have read from a State paper written twenty-two years ago, which was renewed lately, we were asked to put that interpretation upon it, but the Government of this country would not agree to such terms.

HON. MR. MILLER—We were asked to agree to that protocol.

HON. MR. SCOTT—I am speaking now of the question of defining the three miles limit and the ten miles limit. I am showing that the only concession which can be pointed to in this Treaty is this particular one relating to the ten miles, and that that offer was made to us 22 years ago, and afterwards repeated.

HON. MR. McCALLUM—Why did you not accept it when you were in power?

HON. MR. SCOTT—That offer was again renewed in 1886.

HON. MR. ALMON—By whom?

HON. MR. SCOTT—By the United States to the British authorities, and by the British authorities transmitted to Canada for our concurrence. At page 215 of the correspondence relative to the fisheries question hon. gentlemen will find this despatch from Secretary Bayard to Mr. Phelps referred to in an Order-in-Council, dated the 1st of February 1887 in which the Minister says:

With regard to the proposal for a settlement which accompanies Mr. Bayard's letter, the Minister submits the following observations:

ARTICLE I. The Minister observe that, in referring to this Article Mr. Bayard states that he is "encouraged in the expectation that the propositions embodied in the memorandum will be acceptable to Her Majesty's Government, because, in the month of April, 1866, Mr. Seward, then Secretary of State, sent forward to Mr. Adams, at that time United States' Minister in London, the draft of a Protocol, which, in substance, coincides with the first Article of the Proposal," now submitted. In regard to this statement, it is to be remarked that Article 1 of the memorandum, although, no doubt, to some extent resembling the Protocol submitted, in 1866, by Mr. Adams to Lord Clarendon,

contains several most important departures from the terms of that Protocol. These departures consist not only in such comparatively unimportant alterations as the substitution in line 1 of the word "establish" for the word "define," without any apparent necessity for the change, and in other minor alterations in the text, but also in such grave changes as that which is involved in the interpolation in Section 1 of the important passage, in which it is stipulated: "That the bays and harbours from which American vessels are in future to be excluded save for the purposes for which entrance into bays and harbors is permitted by said Article, are hereby agreed to be taken to be such bays and harbors as are ten or less miles in width, and the distance of three miles from such bays and harbors shall be measured from a straight line drawn across the bay or harbor in the part nearest the entrance at the first point when the width does not exceed ten miles."

Almost the language used in the present treaty. What does the Order-in-Council say?

"As 'the administration of a strained and vexatious construction of the Convention of 1818,' as 'unjust and unfriendly treatment by the local authorities,' as 'unwarranted interferences (frequently accompanied by rudeness and an unnecessary demonstration of force)' with the rights of United States' fishermen guaranteed by express treaty stipulations and secured."

Then it goes on to state the case of the Baie des Chaleurs. But the Americans were quite willing to concede certain bays, as I have shown. Our Government declined to meet the Americans, and yet it took from the 12th November to the 15th February, sitting day by day, to approve of the protocols. If hon. gentlemen have any desire to look at the entertaining diary which was kept at Washington, they will find that is the way it runs, and in the end we get what the United States Government were willing to concede to us 22 years ago. If the people of this country could speak on this subject, what would they tell you? Not alone that they would have approved of the Government of this country accepting the interpretation of the United States, but that they would have been heartily glad to have gone much further, considering the friendly relations that exist between the United States and Canada. Now, to satisfy hon. gentlemen on this point, there is no mawkishess in the United States about saying that they have got concessions, and they do not hesitate to define where the concessions are. Shortly after the treaty was signed by the Plenipotentiaries, Mr. Angell was interviewed, and what does he say? He says:—

"I want to point out a few of the benefits which I think we have gained, when the treaty as submitted by the commission is adopted by all the nations. The chief source of trouble to our fishermen hitherto has been that when they ran within three miles of the Canadian shore for shelter, they were obliged to sail their vessels at times quite a distance to some custom house, and enter and clear. By the treaty of 1818 our vessels were accorded the privilege of running into port for four objects—shelter, repairs, wood and water. But this section of the treaty was so encumbered and lumbered up by the laws of the Dominion Government, that the privilege was entirely stripped of its value. These, by the new treaty, will all be taken off, and charges for dues, pilotage, fees, etc., have all been dispensed with. When our vessels ran into a port in distress they were not allowed to purchase a single article of food or sell a dollar's worth of their cargo. This is now changed, and they can sell and buy food and get all casual and needful supplies the same as other vessels. The judicial procedure was one of the greatest annoyances and troubles to our fishermen; now this is all simplified and made inexpensive. Formerly our fishermen did not know and could not tell when they were within the three-mile limit. This is to be rectified, so that they will all be able to know their whereabouts by charts and buoys. We left the matter of selling bait optional, as our men say they don't have to buy bait in Canada, while the Canadians do have to buy our bait. For this reason we left that point optional, as we might wish at some time to restrict them from buying.

It being six o'clock, Mr. Scott moved the adjournment of the debate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (59), "An Act to grant certain powers to the Nova Scotia Telephone Company (limited)." (Mr. Power.)

Bill (90), "An Act to amend the Revised Statutes of Canada, chapter 181, respecting punishments, pardons and the commutation of sentences." (Mr. Abbott.)

Bill (47), "An Act to amend the Adulteration Act, chapter 107, of the Revised Statutes of Canada." (Mr. Abbott.)

Bill (83), "An Act to amend the Act to incorporate the Moncton Harbor Improvement Company." (Mr. Poirier.)

Bill (87), "An Act to amend the Consolidate Revenue and Audit Act, chapter 29, of the Revised Statutes of Canada." (Mr. Abbott.)

Bill (101) "An Act to make further provision respecting the granting of a subsidy to the Chignecto Marine Transport Railway Company," (Limited.) (Mr. Abbott.)

Bill (48) "An Act further to amend the law respecting Procedure in Criminal Cases." (Mr. Abbott.)

Bill (15) "An Act to incorporate the Nisbet Academy of Prince Albert." (Mr. Ogilvie.)

Bill (46) "An Act to amend the Acts relating to the Manitoba and North-Western Railway Company of Canada," (Mr. Girard.)

Bill (54) "An Act to incorporate the South-Western Railway Company." (Mr. McKindsey).

Bill (31) "An Act to incorporate the River Detroit Winter Railway Bridge Company." (Mr. Sanford.)

The Senate adjourned at 6.10 p.m.

THE SENATE.

Ottawa, Thursday, April 26th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

ROYAL VICTORIA COLLEGE BILL.

FIRST READING.

HON. MR. ABBOTT introduced Bill ( ) "An Act to incorporate the Royal Victoria College."

The bill was read the first time.

HON. MR. ABBOTT moved that the 61st rule be suspended so far as it relates to this bill.

HON. MR. POWER—I wish to call the attention of the hon. gentleman to the fact that a question has been raised about this bill. I am not now speaking in opposition to the measure. I simply wish to direct attention to the fact that a question has been raised as to the propriety of legislating on this matter in Parliament, on the ground that the Royal Victoria College is an institution to be situated in Montreal, and the legislation in connection with it should therefore naturally fall within the jurisdiction of the Quebec Legislature. I presume that the ground upon which it is proposed to introduce the Bill here is that there shall be branches or affiliated schools in the North-West Territories. I have some doubt as to whether this Parliament has the right, even under these circumstances, to legislate on a matter of education, for this reason that, as I understand it, the branches are to be in the North-West Territoies and British Columbia. Now British Columbia has the right to deal with matters of education, and I think the same is true with respect to the North-West Territories, that they have legislatures of a certain kind which are authorized to deal with the matter of education, and it occurs to me that a very strong argument might be made to the effect that the proper course for the promoters of this measure to pursue would be to get their college incorporated and established by the Legislature of Quebec, and then if any further legislation was necessary, to get that legislation from the province or territory in which the branch was to be established.

HON. MR. ABBOTT—The bill will be printed and before the House at the second reading. I am quite aware of the important question which the hon. gentlemen refers to and it may require serious consideration by this House. Probably we could better arrive at the point after that which the bill desires to obtain is before the House. If my hon. friend will allow the bill to go to the second reading we can discuss the question then.

HON. MR. POWER—I thought it was only fair to the hon. gentleman to call attention to the objection that might be raised. I think it is better that the objection should be made now than to spring it on him at the second reading.

The motion was agreed to.

THE FISHERIES TREATY.

DEBATE CONTINUED.

The order of the day having been called :

Resuming Debate on the motion of the Hon. Mr Abbott for the Second Reading (Bill 65) Treaty between Her Britannic Majesty and the President of the United States. —(Honorable Mr. Scott.)

HON. MR. SCOTT said—Before I continue my remarks I desire to call attention to a report of my observations in the *Citizen* of this morning, in which I am credited with saying :

"If the negotiations had been carried on by some other persons than Sir Charles Tupper and Mr. Joseph Chamberlain, Canada's interests would have been much better served."

I never made such a statement. What I did say was that the interests of Canada would have been much better served if Mr. Joseph Chamberlain had not been appointed, but I said I thought if the matter had been left to Sir Chas. Tupper and Mr. West that the chances for the Fisheries Treaty being ratified would certainly have been improved. If hon. gentlemen wish to refer to the paragraphs in the London papers to which I adverted yesterday they will find Mr. Chamberlain's speech at Belfast in the *Times* of the 12th of October, and his speech at Islington in the issue of the 26th October. I do not wish to weary the House, but if I were to read particular parts of those speeches I think I should be amply justified in the observation I made yesterday—that it was indiscreet, to say the least of it, after Mr. Chamberlain had been selected to discharge the duties of a very delicate office, to make a political speech, that was not at all justified under the circumstances, and certainly not from his then delicate position; that he distinctly challenged an element in the United States that exercised a very considerable influence on the political questions in that country; and that he also undertook to speak for Canada as to what was best for this country in reference to unrestricted trade with the United States. He took occasion—I think in his speech at Islington—to say this speech at Ulster had been commented on by the Toronto *Mail* and he dealt with the exception which the Toronto *Mail* takes to this objection to unrestricted trade with the United States, stating that if that last tie were broken it would mean the separation of Canada from the mother country. I do not propose to weary the House by dealing with that question now. Hon. gentleman who wish to pursue it further can find the reports to which I have called attention. My contention yesterday was that imporportant concessions had been made that the United States Plenipotentiaries did not hesitate to say so—that the concessions were of such a character that had Canada made them years before all occasion for the treaty would have ceased; and I called attention to State papers which had passed between the two countries twenty-two years ago in which the proposition was made that a joint Commission should be named to fix this delimitation of the three miles limit, and of the ten-mile limit. My hon. friend spoke as if the ten-mile limit was for the first time brought under the notice of the Commission. That is not the case.

HON. MR. ABBOTT—My hon. friend mistakes me. I do no deny that this ten-mile limit has been a subject of discussion for the last year, but what I took exception to was the statement that the ten-mile limit was offered to us 22 years ago by Mr. Seward. That is the point.

HON. MR. SCOTT—I have got now before me the state paper, which the Senate of the United States have also before them, in which the propositions and the replies go together. It is much easier read than ours is. Ours has been compiled according to dates. Here is the protocol in 1866, and the same protocol is found in our own papers. The proposition is in a paper from Mr. Adams, the American Minister.

HON. MR. MILLER—When was that proposition made?

HON. MR. SCOTT—That is the proposition made in 1886, quoting the other.

HON. MR. MILLER—I defy the hon. gentleman to get any proposition of that kind at any time in the previous history of this question.

HON. MR. SCOTT—It is quoted as being very slightly varied from the one to which I have adverted.

HON. MR. MILLER—There is not a word about the ten mile limit at all.

HON. MR. SCOTT—Assuming that it was made in 1886, the Canadian Government declined to accede to it. Their answer to it will be found here in the Government answer at page 216 of the book. It is quoted as if it were quite understood at that time because it recites it and goes on to say :—

This provision would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada, and would make common fishing grounds of territorial waters which by the law of nations have been invariably regarded both in Great Britain and the United States as belonging to the adjacent country. In the case, for instance, of the Baie des Chaleurs, a peculiarly well marked and almost landlocked indentation of the Canadian coast, the ten mile line would be drawn from points in the heart of Canadian territory, and almost seventy miles distant from the natural entrance or mouth of the bay. This would be done in spite of the fact that, both by Imperial legislation and judicial interpretation, this bay has been declared to form a part of the territory of Canada. See Imperial Stat., 14 and 15, Vic., Cap. 63, and Mowat *vs.* McPhee, 5 Sup. Court of Canada Reports, p. 66."

Then my hon. friend adverted to the question of the ten miles limit being taken up because it had been settled by France and Great Britain. In the Order in Council we find :—

The Convention with France in 1839 and similar conventions with other European powers, although cited by Mr. Bayard as sufficient precedents for the adoption of a ten-mile limit, do not, the Minister submits, carry out his reasoning.

It is quite clear—nothing could be clearer—that the Government of Canada deliberately declared that the ten mile limit was not to be fixed :—

Those conventions were doubtless framed with a view to the geographical peculiarities of the coasts to which they related. They had for their object the definition of boundary lines, which, owing to the configuration of the coast, perhaps could not be readily settled by reference to the law of nations and involve other conditions which are inapplicable to the territorial waters of Canada.

That is found in the Order in Council of February, 1887, and it is perfectly clear that the Government understood that the Americans were then certainly willing, without the intervention of a treaty, to adopt the ten-mile limit, as I showed from one of the papers I read yesterday—they were willing to add certain bays which were not defined, but which Canada had a right to claim. I contend, therefore, that before this treaty was entered into at all the Americans were willing and anxious to appoint a joint Commission to define the three-mile limit and lay down the ten-mile boundary almost in the terms of the recent treaty, and also to exempt certain other bays which were not named, but which are now named in the treaty. I think I have made that clear, at all events. I will now go on and read the opinions of Mr. Bayard and the President of the United States as to what they have gained. This is in answer to an interviewer of the *Herald :* Mr. Bayard says :—

"In the treaty just concluded and submitted to the Senate," said Secretary Bayard, "the United States have secured practically everything we have been contending for. I don't hesitate to say that if Canada had conceded to American fishermen in 1886 one-fourth of the rights that are secured for them by this treaty, there would have been no trouble at all, we would not have had a single complaint, because no grievance would have been left. Every difficulty that the American fishermen has had to contend with has been removed by this treaty. The terms of the treaty explain themselves, and if any further explanation be needed it is provided in the accompanying message which the President communicated to the Senate. In that message the changes which will be brought about from the condition of affairs with which we have had to contend in the past, are very plainly pointed out. Generally it can be stated that no fishing ground of any value whatever to American fishermen has been conceded to Canada by this treaty. There has been some adveres comment upon the delimitations particularly specified in regard to some Canadian bays, but in these nothing has been lost. Egmont Bay in NorthumberlandStrait is perhaps the largest bay forwhich the lines of delimitation are specially stipulated in

the treaty, but there is no fishing whatever in that bay. Experienced navigators say that during the past twenty-one years no fishing vessel has been in that bay except in transit for some place else.

"Of all the bays and creeks thus conceded to Canada the only one which contains any bait or fishing is Chaleur Bay. Americans do not want it, and could never use it for fishing purposes and under the treaty it will be at their disposal for all the uses they will want to make of it. They can enter it at amy time, as they can enter all other Canadian points and bays, for water, wood, shelter and repairs."

Mr. Bayard, in his position as Secretary of State, in communicating to Congress the various papers connected with the treaty, and the President of the United States in sending this treaty to the Senate, speak very much in the same terms, and make it perfectly clear that, at all events, the President and the Secretary of State, and one at least of the Commissioners, consider that very important concessions have been granted. One of them states that had those concessions, or a part of them, been made, the recent treaty would have been wholly unnecessary. Now, hon. gentlemen, in view of all these concessions—in view of the fact that this treaty is a fair and liberal interpretion of the treaty of 1818—why is it that the Senate of the United States hesitate to adopt it? We are going to adopt in Canada, and we are very glad to do it.

Hon. Mr. POWER—No. I am very sorry for it.

Hon. Mr. SCOTT—I am very glad that the treaty is to be adopted in Canada. I would only desire it to be more liberal and it would have my support in an equal degree. I am one of those who believe in the comity of nations to the greatest possible extent. I say that all these concessions are secured to the United States, yet why is there this hesitation about adopting it? I yesterday adverted to one or two of the causes: one was the political question, the other was that Joseph Chamberlain was one of the plenipotentiaries. Hon. gentlemen may possibly dispute that statement, but I have watched the current of events closely, and I have come to the conclusion that that was a very important element, one, at all events, potent enough to bring about the rejection of this treaty. Those two reasons have probably very great weight and influence, but what is the main cause of the irritation against this treaty?

Hon. Mr. ALMON—Pure cussedness.

Hon. Mr. SCOTT—The main cause is set forth in the book, that Congress now has before them: that is, that Canada has put in force within the last two years this harsh and exasperating treaty of 1818, which was wholly unsuited to the age in which we live. I think it was unworthy of this country. I think the Government have taken upon themselves a grave responsibility in insisting on their pound of flesh under the treaty of 1818. The Senate of the United States have of course a great deal of information on that subject which is not before us. Hundreds of thousands of complaints have gone there that we do not hear of, no doubt many of them grossly exaggerated, but a vast number of cases that have been brought before Congress in which appeals have been made, and have come through Downing Street and travelled back to Canada and been a matter of discussion with our Government. Some of them no doubt have very little foundation, but it is not possible where there have been so many hundred complaints, so many vessels not allowed shelter in a storm.

Hon. Mr. MILLER—Not one. They have never made such a pretention.

Hon. Mr. SCOTT—There are two standpoints from which to look at this matter—our own standpoint, and the standpoint of the United States.

Hon. Mr. MILLER—I would like to ask my hon. friend——

Hon. Mr. SCOTT—I beg the hon. gentlemen not to interrupt me. I am going on. I say we should regard this from the standpoint of the United States and see what has been influencing them. It is conceded that there are great concessions in this treaty from the

treaty of 1818 and the administration of President Cleveland does not hesitate to say so, and Mr. Bayard does not hesitate to say so. It is a treaty under which two nations can have friendly relations, and I ask why it is that the Senate of the United States will not adopt it ? I fail to see where there has been any giving way of any material point on their part. The cause is that people have gone week after week during the season of 1886 and 1887 to the Government of the United States with harrowing details of cruelty on the part of the Canadian people—not the Canadian people, I scorn to say it,—but oppression on the part of the Canadian Government—oppression through their officials.

HON. GENTLEMEN—Oh, oh, oh !

HON. MR. SCOTT—Hon. gentlemen may laugh, but time will disclose the truth of what I am saying.

HON. MR. MCINNES (B.C.)—Is the treatment which our vessels receive in Behring's Sea any less cruel than the treatment received by American vessels from our Government ?

HON. MR. SCOTT—Granted that it is not, two wrongs do not make a right. I hold in my hand a list of American vessels seized, detained and warned off from Canadian waters. This is a return made to the regular official channel at Washington. It commences with the case of the *Sara B. Putnam* in 1886. The 5th case is that of the *David J. Adams*. I believe it has been stated that in the Supplimentary Estimates now before Parliament there is a resolution proposing to pay the expenses of this vessel—the legal expenses amounting to $3,369. We are to recoup, after two years of delay, all the worry and annoyance that have been developed during that time—we back down and pay that large amount of money at the expense of the people of Canada simply because some officious man in the Department insisted on making this seizure. I have a list on these two pages, which includes 48 cases, all of which have been officially reported to the United States, of cruel and harsh treatment of vessels, ordered off in a gale, not allowed to get provisions, and one case in which they were not allowed to bury their dead, and other cases of equally great hardship that I can understand might have occurred between two nations that were hostile towards each other—and even then when hunger comes in between two armies fighting, the advance sentries will exchange rations with each other. What undignified conduct ! How contemptible it is ! Could there be anything more irritating to a proud people like the United States than acts of the kind ?

HON. MR. POWER—I would like my hon. friend to explain which was the contemptible thing ? Was it the seizing of the vessel or the letting of her go ?

HON. MR. SCOTT—There was no justification for seizing her ; then letting her go and giving up the money and paying the costs. The idea of putting men on board to guard the boat—just treated as if they were pirates.

HON. MR. POWER—They were not far wrong.

HON. MR. SCOTT—My hon. friend says they are not far wrong ; but if our fisheries are to be kept up by any such stringent regulations, the sooner they are abolished the better. It is just the result of the policy of Canada.

HON. MR. ALMON—Oh ! oh !

HON. MR. SCOTT—The hon. gentlemen laughs, but those things could not occur under the present treaty, and I do not think so ill of the fishermen of the lower Provinces that when in their own homes and on their own banks with the three miles limit preserved to them, with the ten miles bays reserved to them, that they are afraid of any fishermen outside. The fact is, the fishermen outside are largely Canadians. We see in to-day's paper that President Cleveland has draw attention to the fact that at Gloucester and other American fishing ports Canadian fishermen are being shipped on board vessels carrying the United States flag and he directs atten-

tion to the fact as an infringement of the Act of Congress against the employment of foreign labor.

HON. MR. MILLER—What about the harshness shown to these men?

HON. MR. SCOTT—You are treating these men harshly.

HON. MR. MILLER—But those men returned home from Boston, what about their treatment?

HON. MR. SCOTT—It is just reprisal; during the last two years.

HON. MR. MILLER—Oh, oh, oh!

HON. MR. SCOTT—I say that the conduct of Canada during the past two years has been one of reprisal and aggravation. That is the opinion of the Senate of the United States from the information they have to go upon. You may say the information is exaggerated, I daresay it is exaggerated, but where there is so much complaint, it is not possible that all the cases are false. It is not in the nature of things that it is all false. Take the case of the *Jennie Seaverus*:

On Thursday, 26th October, while on my passage home from a fishing trip, the wind blowing a gale from south-east and a heavy sea runing, I was obliged to enter the harbour of Liverpool, N. S., for shelter. Immediately on coming to anchor' was boarded by Captain Quigley Canadian of cruiser "Teror" who ordered me to go in shore atonce and report at Custom House,to which I replied that such was my intention. He gave me permission to take two men in the boat with me, but they must remain in the boat and must not step on shore. I asked Captain Quigley if I could, after entering, visit some of my relations who resided in Liverpool and whom I had not seen for many years. This privilege was denied me. After entering having returned to my vessel, some of my relatives came to see me off. When Captain Quigley saw their boat alongside my vessel, he sent an officer and boat's crew whoordered them away, and at sundown he placed an armed guard on board our vessel who remained on board all night and was taken off just before we sailed in the morning.

I complied with the Canadian laws and had no intention or desire to violate them in any way, but to be made a prisoner on board my own vessel and treated like a suspicious character grates harshly upon the feeling of an American seaman, and I protest against such treatment and respectfully ask from my own Government protection from such unjust, unfriendly and arbitrary treatment.

So it goes on. I do not desire to detain the House with all those readings. There was another return brought down subsequently. We must endeavor to put ourselves in their place; they will consider these charges all true, as each party will consider the case from its own standpoint. All of these cases appear to have occurred in one year. Now, I would like to turn to Sir Charles Tupper's view of that kind of thing. What does he say since he has been at Washington? In his speech, in alluding to Article X of the Treaty, he is reported as follows:

I may say, Sir, with reference to this, that a great deal was made of the apparent injustice of subjecting vessels obliged to put in for humane purposes, such as vessels in distress and vessels under stress of weather to come under the clause of the treaty that allowed vessels to come in for those four purposes.

Sir Charles does not deny that there were such cases. He continues:—

A great deal was made of the difficulties that were thrown in their way, and the obstructions that were placed apparently by Canada in the way of their exercising and enjoying those privileges that the treaty of 1818 clearly and distinctly provided they should enjoy. I think, sir, that this House and the people of this country will agree with me that it was not undesirable in the interests of good neighbourhood, in the interests of the good reputation of Canada for humane and friendly consideration to vessels in distress, obliged to put into our ports for shelter, and especially where they had under the treaty right, a right to come in under such circumstances, that we should remove any obstructions or hindrances that lay in their way. It was urged, on the other hand, that in the United States our fishing vessels were not treated with the same stringency that those vessels were which under treaty right are permitted to come into our waters for those four purposes, and evidence was placed before the Commission to show that in the Port of Portland the course pursued was a more liberal course than the stringent regulations which had been used in Canada.

He does not attempt to defend these regulations. He says:—

"The collector of that port who had been collector for 10 years, was examined and gave his testimony as to the treatment of

the Dominion vessels in the United States waters. He was asked:

"'During the time you have been deputy collector, whether or not, there have been numerous cases of Dominion vessels, including vessels engaged in fishing, in that port, and if they have failed to report, though lying more than twenty-four hours, have penalties been imposed for such failure during the term of your service?'

"His answer was, as I remember:

"'If there were any instances of Dominion vessels failing to report when lying more than twenty-four hours, their presence has been overlooked by the port officers. I do not recall from memory a single instance when or where a penalty was imposed, and I find no record of any such payments in the accounts of this office.'"

That is in thirty years in so important a court as Portland. He continues:—

Under those circumstances we felt that we might fairly allow vessels that had no connection with the shore, vessels coming in distress, or vessels coming in under stress of weather to take shelter on our coast, that we might fairly exempt them from reporting for a period of twenty-four hours provided they did not touch the shore. It was represented that in many cases the previous regulations had involved great hardship and difficulty, that the custom houses were remote from the outlying portions of the harbor where the shelter was obtained, and that to remain long enough to go up to the custom house officer and to make the necessary report would involve a very serious delay and might prevent them getting to sea at all at the time they would desire. I do not conceive any very great injury to our interests is likely to result where these privileges are only extended to vessels which are not permitted at all to communicate with the shore. The moment they have a communication with the shore, that moment it is incumbent upon them to report, or they are liable to the pains and penalties provided by this Act if they do not do so. I think this House will agree with me and I believe the people of this country will agree with me that it was a wise provision to relieve them of what they found to be a great hardship, and so aid in affecting the removal of a very false impression abroad where people do not understand how stringent the necessity was for guarding their shelter.

I read Sir Charles Tupper's speech because it is in harmony with my own views. He does not stand by or justify the regulations of the Department for the last two years; on the contrary, he gives you a contrast of what the authorities at Portland were doing for the last twenty years, in relation to Canadian vessels.

HON. MR. POWER—Our fishermen do not want to force themselves on the fisheries of the coast of Maine.

HON. MR. SCOTT—I maintain that whether it is a fishing vessel or a trading vessel, it is a most inhuman thing to deny them the right to come in for shelter.

HON. MR. MILLER—I defy the hon. gentleman to put his hand on one case where an American vessel has come into a Canadian port from distress of weather and was refused shelter. I defy him to point out an instance.

HON. MR. SCOTT—The hon. gentleman need not get angry.

HON. MR. MILLER—I do get angry at the hon. gentleman to make such an aspersion against his own country.

HON. MR. SCOTT—I am not making an aspersion; I say these are the evidences that the Senate of the United States have to guide them. I am not saying that they are true; on the contrary I qualified it and said at the beginning of my remarks that many of them I considered were untrue, and many of them were greatly exaggerated. We are not afraid of the truth. This is a free country, and what we say here is not going to have a feather's weight at Washington. At any rate let us say what is right, let the consequences be what they may. Here is the evidence, contained in this blue book, that is before the Senate of the United States. The hon. gentlemen from Richmond says that there are no cases of hardship.

HON. MR. MILLER—I did not say that.

HON. MR. SCOTT—The evidence the United States Senate has as to cases of hardship will be found in this book.

One case is mentioned in which the crew of a vessel had lost their seine and were out of provisions, yet this vessel in distress was not allowed to land and repair damages or buy provisions. The next case is that of the "Walter R. Raymond."

HON. MR. MILLER—A fishing vessel.

HON. MR. SCOTT—I do not care whether it is a fishing or trading vessel. It is all the same from my standpoint.

HON. MR. BOTSFORD—There is a great distinction.

HON. MR. SCOTT—Under the proposed treaty vessels can come in and get shelter.

HON. MR. READ—They could under the treaty of 1818, also.

HON. MR. BOTSFORD—Certainly they could.

HON. MR. SCOTT—Then your own officers are to blame that they were not allowed to do so in these instances. I will refer you to a case in point, which was brought before the Government of this country, and which they referred back to the treaty of 1818, and said it was against the conditions of the treaty that the provisions should be granted, and the officer was perfectly right in refusing it.

HON. MR. MILLER—Quite right.

HON. MR. SCOTT—But the hon. gentleman has denied that there is any case on record of vessels having been denied the privilege of landing for repairs or getting provisions, and I quote this case. The hon. gentleman seems to think that the fishermen down in his locality are a kind of hot bed people who cannot stand competition and require protection.

HON. MR. MILLER—The hon. gentleman does not seem to understand the question.

HON. MR. SCOTT—I trust I can comprehend, at all events, what the laws of humanity dictate.

HON. MR. McINNES (B.C.)—Will the hon. gentleman allow me to ask him one question? Providing we were in the place of the Americans, and we were invading and infringing upon the rights of the treaty of 1818, and we were going into American waters, does he contend for one moment that the United States Government would not enforce the treaty to the very letter and exclude us?

HON. MR. SCOTT—I dare say they would.

HON. MR. McINNES (B.C.)—Then, your contention is that it is infamous for the Canadians to defend their own rights under that treaty?

HON. MR. SCOTT—It would in the first place depend on the relations that exist between the United States and Canada at the particular time. It would depend on whether they were friendly or otherwise. Considering the friction that at present exists, the probability is that they would exact the terms of the treaty to the letter. Is that any justification that we should exact it to the letter under the comity of nations or in the interest of good policy on our part? Both parties are at fault, no doubt, but I conceive that in a matter of this great importance we ought to be able to extend the right hand of friendship as far out as they can. It is their interest, as it is our interest to do it. The vast body of the people of this country want to be on the best of terms with the people of the United States. Let anybody look at the relations we hold with the United States to-day! A stranger coming to this continent would not know where the United States ended and where the Dominion began. Travellers on the railway are carried right across the boundary in the same cars, and but for the inspection of their portmanteaus by the Customs officer they would not be aware that they were passing from one country into the other. We have recently taken away the monopoly rights of the Canadian Pacific Railway in the North-West, and a few years will see a number of new railways crossing backwards and forwards between the two countries. Is it not a fact that to day, notwithstanding all the restrictions the Government throw in the way of intercourse between Canada and the United States, that the trade between the two

countries is enormous—only equalled by that with Great Britain, and at times exceeds the trade between Great Britain and Canada. It is day by day enlarging. Our great railway lines have their terminus in the United States. The Grand Trunk Railway has its terminus on the west at Chicago and on the east at Portland. Are not New York, Boston and Portland used more than our own ports as winter ports by the Canadians? Have not our leading merchants their offices on Wall street? Do our people not cross the line and wherever the two countries come together so closely as to enable a bridge to be thrown across the river there a bridge is built and forms another indissoluable bond between the two countries. Take the suspension bridge at Niagara, and two companies are now before Parliament seeking for charters, one to tunnel under the river and the other to build a bridge over the river at Detroit to connect the two countries. We have recently chartered a company to construct a railway with one terminus in Minneapolis and another in Montreal, to cross the boundary at Sault Ste. Marie. In view of all these facts, I say that the people of this country want to be on the very best terms with the people of the United States, and the people of the United states want to be on the most friendly terms with us. Politicians endeavour to keep us asunder—the National Policy on this side, and the protected monopolists on the other side try to keep us apart for purposes of their own; but take the great body of the people, do you mean to tell me that the people of either country would hesitate to grant what are called concessions under this treaty? They would be glad to grant them and more, and the day is not very far distant when the relations between the two countries will be very much closer than they are at present. If we had unrestricted trade between the two countries all this rubbish would be swept away at once. I will take the case of the "Mary E. Whorf,"

"In July 1886 lost seine off north Cape, Prince Edward Island, and not allowed to make any repairs on shore, causing a broken voyage and a long delay. Ran short of provisions, and being denied privilege of buying any on land had to obtain from another American vessel."

Or the case of the "Newell B. Hawes":

"Refused privilege of buying provisions in ports in Bay St. Lawrence, and in consequence obliged to leave for home with half a cargo. Made harbor at Sherburne, N.S., in face of storm at five p.m., and master immediately started for Custom House five miles distant, meeting captain of cutter *Terror* on way, to whom he explained errand. On returning found two armed men from cutter on his vessel. At seven o'clock next morning was ordered to sea, but refused to go in the heavy fog. At 9 o'clock the fog lifted slightly, and though the barometer was very low and a storm imminent, vessel was forced to leave. Soon met the heavy gale which split sails, causing considerable damage. Captain of *Terror* denied claim to right of remaining in harbor 24 hours."

The Nellie M. Snow

was not allowed to purchase provisions in any Canadian ports or to re-fit or land and ship fish, consequently obliged to leave for home with broken trip; not permitted to remain in port longer than local Canadian officials saw fit.

The Charles R. Washington,

master, informed by collector at Ship Harbor, Cape Breton, that if he bought provisions, even if actually necessary, he would be subject to a fine of $400 for each offence. Refused permission by the collector at Souris, Prince Edward Island, to buy provisions and was compelled to return home 10th September, before close of fishing season.

Does my hon. friend approve of that?

HON. MR. MILLER—Yes.

HON. MR. SCOTT—Then we cannot argue this question we are so far apart.

HON. MR. McINNES (B.C.)—Why did the United States Government abrogate the treaty of Washington?

HON. MR. SCOTT—Do not talk to me of the treaty. Sir Charles Tupper was ashamed of the treaty of 1818. He gives the American view of that treaty, and he does not repudiate that view. He says it is the view of sixty millions of people, and it is a view we cannot ignore. We may talk as much as we like in this Chamber of what our rights are, but we cannot ignore the opinions of the sixty millions of people on the other side of the line. The hon. gentleman from

Richmond challenged me to find any case in which vessels were refused the privilege of buying provisions.

HON. MR. MILLER—No, I did not do anything of the kind; I said where they were refused shelter.

HON. MR. SCOTT—Do you mean to tell me that a fishing vessel running out of provisions ought not to be allowed to run into our ports and buy?

HON. MR. MILLER—Of course; they agreed to the bargain that they should not.

HON. MR. SCOTT—You go for the pound of flesh, like Shylock. I do not agree to that, and I do not think the people of this country will agree to that doctrine. Here is a case in point :—

The John M. Ball,

"driven out of Gulf of St. Lawrence to avoid fine of $400 for landing two men in the Port of Malpeque, Prince Edward Island, was denied all supplies except wood and water in same port."

The Cynosure

"was obliged to return home before securing a full cargo, not being permitted to purchase provisions in Nova Scotia."

There is a list here from which I am reading, of sixty-six, and there are one hundred and forty-eight in the other list. They all appear to have been in the one year. One of them, that of the *Neponset* of Boston is as follows :—

"On 27th of August 1886, anchored in Port Hawkesbury, Cape Breton, and immediately reported at Custom House; being short of provisions master asked collector for permits to buy, but was twice refused. The master expressing his intention of seeing United States Consul at Port Hastings, Cape Breton, three miles distant, the Customs officer forbade his landing at that port to see the Consul; he did so, however, saw the Consul, but could get no aid, the Consul stating that if provisions were furnished the vessel would be seized. The master being sick, and wishing to return home by rail, at the suggestion of the Consul, he landed secretly, and travelled through the woods to the station three miles distant."

HON. MR. MILLER—Very likely!

HON. MR. SCOTT—Perhaps it is not true.

HON. MR. ABBOTT—Hear, hear.

HON. MR. SCOTT—I hope it is not true, but you cannot make the people of the United States believe that all those cases have no foundation, that they are all fabulous and fictitous. That is their information and you have to look at it from their standpoint. It would be all right if we were in the position of a dictator to do as we thought proper. But some cases did come before the Government and some had to be filtered through Downing Street, and I have no doubt that Downing Street was annoyed. If hon. gentlemen will look through the correspondence they will find there some letters which show the irritation to which these cases gave rise, because that is not the way that England treats other nations and I have no doubt it was very harassing and annoying to the Imperial Government to receive these perpetual communications on the subject. In 1886 those laws were stringently enforced and additional laws were passed. In 1887 we, by an Act of Parliament, made the laws more severe and rigorous than they had been before. If hon. gentlemen will refer to page 207 they will find at the bottom an Act passed by this Parliament to amend the Act respecting fishing by foreign vessels. It was reserved by the Governor-General for Her Majesty's approval. The third section is as follows :—

"3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel, or boat, being within any harbor of Canada, or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbors in Canada, into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of $400.00; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (A) has been found fishing, or preparing to fish, or to have been fishing in the British waters within three marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel, or boat under the first section of this Act, or (B) *has entered such waters*

for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited."

All that provision is in the treaty, but these words in italics are not in the treaty—"has entered such waters for any purpose not permitted, &c.," to the end of the section. Now I say that was rigorously putting in force the Treaty of 1818—this treaty that we have heard denounced even by a member of the Government. I am sure if Sir Charles Tupper had been at the head of the Fisheries Department, knowing as he does so much of the subject, this would not have occurred. I will read a paragraph of Sir Charles Tupper's speech. At page 725 of the Official Report I find the following:

"What would be thought of Canada if an American, or a United States fishing vessel —I do not like to use the word American, because I think it is a term we have as much right to as our neighbors; I prefer to speak of them as the people of the United States, and ourselves as Canadians, and when I speak of the whole continent of America I do not hesitate to apply the term American to the people of both Canada and the United States;—but what would be thought of Canada if a vessel of the United States, loaded with mackerel or fish of any other description, were driven by stress of weather, and perhaps in a sinking condition and compelled to resort to a Canadian port, and if, instead of allowing her to tranship her cargo or sell it on paying the duty and go to a marine yard for repairs, we said: No, you must throw overboard the whole of your cargo, because we find you are not allowed to bring your fish into Canada.

Mr. Mitchell. Do you not refuse a vessel that privilege?

Sir Charles Tupper. I say that under the Treaty of 1818 we could refuse. Under the interpretation of that treaty, they had no right to unload their cargo and tranship or sell it; but what I say is that in making this concession—it is an undoubted concession—we were only acting from the dictates of humanity and with a due regard to the credit and reputation of our country all over the world.

Well, I endorse those words. I say they are quite uniform with what I myself expressed as to the treatment which should be extended to a fishing vessel in distress—that they should be allowed to come into our ports to obtain supplies and men if necessary, and to bury their dead if necessary, and be met as a vessel of another country would like to be met in a friendly land. The report continues:

Mr. Mitchell. But I ask the question, did you not refuse it in one case?

Sir Charles Tupper. No, I did not refuse.

Mr. Mitchell. You would not, I know; you are too warm-heated.

Sir Charles Tupper. If my hon. friend really wants a frank answer—and he knows how frank I desire to be on all these occasions—I will tell him. I said: Under this treaty you have no right to do it, but we will allow you to do it when the application is made.

Sir Charles Tupper does not object to it. My hon. friend from Cape Breton does object to it.

HON. MR. MILLER—I object to nothing of the kind.

HON. MR. SCOTT—My hon. friend checked me for saying that fishing vessels in distress wanting provisions should have the privilege of coming in and buying those provisions at Canadian ports.

HON. MR. MILLER—I object to that.

HON. MR. SCOTT—I do not think that Sir Charles Tupper's language will at all indicate that he endorses what my hon. friend says. My hon. friend is from a fishing district and speaks on the subject as one who takes a warm interest in the question there. When that statute was passed there was a warning sent to all officials down in the Lower Provinces—a circular signed by Mr. Johnson—in which the very language of the treaty of 1818 was introduced—"shelter, repairing damages, obtaining wood and water." Instructions were sent to the officials to adhere to that treaty.

HON. MR. MILLER—Hear, hear.

HON. MR. SCOTT—My hon. friend says "hear hear." He endorses it. I am sorry that a man with a heart in his bosom would endorse such a treaty. I

am sure that the people of this country will not endorse it or anything of the kind. They would view it as any man of sense would—as the historian of the future will view it—that a strong nation at the point of the bayonet compelled a weaker power to make that treaty. As I said yesterday, it was such a treaty as Germany might have demanded from France after Sedan! The future historian will denounce it as he would many other acts which occured a century ago, acts that might bring a blush to the face of any of us. We do not seek to justify what took place a century or two ago. We regard men now more from the standpoint of brothers, but more particularly people like the Americans who are descended from the same stock, who speak the same language and whose laws are the same as ours, whose books are quoted in our courts and ours in theirs, who have investments all over British territory as Englishmen have investments in the United States—two countries allied and tied together in every possible way. It is preposterous to apply the Treaty of 1818 to people under these conditions. The moment you give to the Customs officers discretionary authority to enforce such a barbarous act as that, we all know how the customs officials would act, particularly in remote places. Our customs laws are an oppression to every one who has to fight them all over the Dominion. They are becoming worse and worse and more tryannical every day. The time will come when we will have a better system—when we will have an appeal from the decision of the customs authorities. I will refer now to the case of "Laura P. Sayward." There the Captain makes affidavit that he was short of provisions water and oil to burn and went to the inner harbor of Shelburne. He says:

On going ashore I found the Custom House closed, and hunted up the Collector and entered my vessel and asked permission from him to buy 7 lbs. sugar, 3 lbs. coffee, ½ to 1 bushels potatoes, and 2 lbs. butter or lard, or pork and oil enough to last us home, and was refused.

I stated to him my situation, short of provisions and a voyage of 250 miles before, and plead with him for this slight privilege, but it was of no avail. I then visited the American Consul and asked his assistance and found him powerless to aid me in this matter. The Collector of Customs held my papers until the next morning, although I asked for them as soon as I found I could not buy any provisions, say about one and a-half hours after I entered, but he refused to give them to me until the next morning. Immediately on receiving my papers on Thursday morning, I started for home arriving on Sunday. I think the treatment I received harsh and cruel, driving myself and crew to sea with a scanty supply of provisions, we having but little flour and water, and liable to be buffeted for days before reaching home.

One would think that it would not be too much to allow a man to buy those triffling supplies, but it could not be done: it was contrary to the Treaty and so the official in charge refused to allow him. He said it could not be done unless he telegraphed to Ottawa and he had no doubt if influence was brought to bear in Ottawa these things could be bought. However, the telegram did not come and a fair wind coming up next day the vessel left. Now in that case the action of the official was endorsed at Ottawa—highly approved. There is another case, that of the "Jennie Seaverns." The action of the officials in that case was endorsed at Ottawa. It was thought worth while to pass an Order-in-Council on the subject. The following is the manner in which it is dealt with:—

The Minister further observes that with reference to the "Jennie Seaverns," Mr. Bayard complains of the conduct of Capt. Quigley, of the "Terror," in preventing the Captain of the "Jennie Seaverns" from landing to visit his relatives in Liverpool, N.S., and in forbidding his relatives to visit him on board his vessel, and in placing a guard upon the "Seaverns" while she was in port. These complaints are based upon the affidavit of Capt. Tupper, of the "Seaverns," a copy of which is attached. The statements of Capt. Quigley and his first officer, Bennett, are submitted in reply, and seems to afford ample proof that no violence or injustice was done to the fishing schooner.

The Minister is of the opinion that the Captain of the "Jennie Seaverns" has nothing to complain of. He came in solely for shelter and this was not denied him. He was requested to report at the Customs, with which request he, upon his own evidence, willingly complied. The other precautions taken by Capt. Quigley were simply to ensure that while shelter was being had the provisions of the convention and of the Customs law were not violated.

That is, he was not to be allowed to buy any provisions or to get anything further than water, so that that policy at all events is approved of by the Governor in council. It was just such acts as that which prompted the United States Congress a year ago to pass the Non-Intercourse Act—passed as Sir Charles Tupper tells us with a very general consensus of both Houses and with the approval of the people of the United States suffering under this irritation. The cases mentioned here may be true or false: they cannot all be false. As I said before, I hope there is a large portion of them false. We find where cases have been referred to Ottawa the Government have sustained the officials who carried out the treaty; it cannot be, therefore, all false. That it made a very great impression on the United States is to be found in the fact that Secretary Bayard summarized all these at pages 178 and 179 of the volume. He says:

> The season of 1886 for inshore fishing on the Canadian coasts has come to an end, and assuredly no lack of vigilance or promptitude in making seizures can be ascribed to the vessels of the Marine Police of the Dominion. The record of their operations discloses but a single American vessel found violating the inhibitions of the Convention of 1818 by fishing within three marine miles of the coast. The numerous seizures made have been of vessels quietly at anchor in established ports of entry, under charges which, up to this day, have not been particularized sufficiently to allow of an intelligent defence. Not one has been condemned after trial and hearing, but many have been fined without hearing or judgment, for technical violations of alleged commercial regulations, although all commercial privileges have been simultaneously denied to them. In no instance has any resistance been offered to Canadian authority, even when exercised with useless and irritating provocation.

This is the statement of the man that Sir Charles Tupper has spoken of as being a fair-minded, liberal man. Those are the words he uses in summarizing the reports sent in to him during the year 1886. That despatch sent to the American Minister at London was in due season transmitted to His Excellency and by him to his Council and they pronounced upon it. With that paper before them what do the Government of this country say to all that irritation which the Government of the United States have been suffering under?

They distinctly affirm the principle that they will have their pound of flesh under the treaty of 1818 in this year of grace 1888. I ask you could anything be more irritating or exasperating thrown at the people of the United States than that attempt of ours?

The Government now are only too glad, through the instrumentality of the Commission, to give away what thy ought to have given 2 years ago—what they ought never to have claimed. Had the Government of this country acted in a fair and liberal spirit and on a just interpretation of this treaty of 1818, it would not have been necessary to have the treaty of 1888. The Americans wanted no more than they got and we ought to have given it to them with some degree of grace, not in the manner in which it has been done. Now let us take, in contrast with that, the opinion of one of the Provinces of the Dominion before she came into Confederation, let us take the opinion of Prince Edward Island. What was their view of the treaty of 1818? It would appear that this treaty was practically abrogated by the independent Island before it became part of the Dominion of Canada. And their attention was called by the Government to the infractions of the treaty which they were premitting and the Legislative Councial were called upon to report upon the case—to state why these infractions of the treaty were permitted. It is referred to Council and the following is the report: —

> Your honor entertains doubts as to the legality of the practice under the provisions of the Treaty of 1818.
>
> In reply, the Council asks permission to state:—
>
> I. That the existence of the practice referred to by your honor was mentioned in the Council's Minute of June 1, in the present year, addressed to your honor in reply to a despatch of Earl Granville's, wherein his lordship desires to be informed whether certain statements concerning the fisheries in Prince Edward Island are correct; as a copy of that minute was forwarded to the colonial office, and its receipt has been acknowledged, but no comment made on its contents or any intimation given to this Government that a change of system, with regard to foreign fishing vessels, was contemplated, the Council had assumed that

the explanations offered by them were satisfactory, and that no change affecting this Island would be carried into effect at present.

II. Lest it should be supposed that the people of this Island alone, of all the Maritime Provinces of British North America, have deliberately, and with the connivance of their local Government, carried on an illegal but lucrative business, the Council remind your honor, for the information of the Secretary of State, and the practice referred to in your honor's minute, has, until a recent period, been permitted in the Straits of Canso, that the New Brunswick railway has transported large quantities of fish of foreign take and that Her Majesty's representatives could not fail to be cognizant of the practice of transhipping cargoes and supplying foreign fishing vessels; moreover, no attempt at concealment thereof was made in the summer of 1869, during the visits of two Vice-Admirals and several Commanders of Her Majesty's ships to Charlottetown Harbor; consequently it is not surprising that merchants and traders in this colony should regard the practice referred to without suspicion of its illegality.

V. Having thus acquitted themselves of their duty, and caused the law to be carried into effect, though at a sacrifice to their fellow-colonists, which will be little understood or appreciated elsewhere, the Council feel bound to protest against the policy now re-adopted. That policy may have been well suited to the circumstances of the colonies fifty-two years ago, but the Council ventures to think, is inapplicable at the present day, when free trade principles, which a British nation has declared to be the principles of common sense, form the basis of the British commercial code. Fairly stated, the old policy revived, demands from the people of Prince Edward Island the exclusion from their harbors of their best customers—customers who have employed the colonial marine in importing salt for their use; the colonial mechanics in manufacturing their barrels; customers who have purchased their clothing, their provisions and their sea stores in the island markets. These men are to be expelled until the forty million citizens of the United States succumb to the pressure put upon them by four million colonists, and consent to concede reciprocity in exchange for free access to the fishing grounds and harbors of the colonies. The Council submit that this was not the principle on which the Cobden treaty was based. It was not held by its author that because France declined to reciprocate with England as fully as the latter desired, therefore England should tax or exclude the wines of France, until she consented to remove her protective duties from iron and cutlery.

"VI. If little can be said in favor of the revived policy of 1818 in an economical point of view, still less can be said in its favor politically. It is essentially a policy of exclusion enforced by the armed ships of Her Majesty's fleet, and therefore tends seriously to estrange a friendly but proud and sensitive nation, whose citizens freely admit the rights of Great Britain to prevent them from fishing within the three miles limit, but who assert that their cargoes of fish taken without that limit are not contraband, and that to refuse the right of entry at such Colonial custom houses is unfriendly, and they affirm, illegal; and this view of the case has been taken by an eminent Queen's Counsellor of the Prince Edward Island bar. The Hon. Edward Palmer, who agrees with the Attorney and Solicitor-General in their view, supposing the cargoes of fish for which entry was sought to have been taken within the three miles limit, but asserts that for cargoes taken beyond that limit, the right of entry cannot be refused.

VII. The Council would also urge upon the notice of the Secretary of State, the impolicy of pressing an odious system upon an unwilling people. They assure Lord Kimberley that their fellow colonists are enthusiastically loyal in their attachment to Her Majesty's person and family, and are notorious for their adherence to British institutions; their trade connections with the United States' citizens have not undermined their loyalty, nor persuaded them that better political institutions than their own exist elsewhere; and the Council submit that the policy of exclusion will lack one of the chief elements of success, if it does not obtain the moral support of the people for whose supposed benefit it is undertaken."

I am glad to observe that my hon. friend opposite (Mr. Howlan) was one of the signers of that paper. It was worthy of him, born down by the sea and inheriting the broad views he possesses. I am sure that he will agree with me that it was the true policy for the Dominion to pursue. Had we followed that policy we should very likely have just such trade relations to-day with the United States as we think are most conducive to our own interests, whether restricted, as under the old treaty of 1854, to the natural products, or enlarged, as some gentlemen now desire it to be, to unrestricted trade with the Republic. Had we adhered to the views which I have just quoted I think we would stand in a very much better position to-day than we do, if not in the estimation of the United States at least before the world. Our policy towards the United States has been aggressive. There has been aggression

on their part as well as upon ours. The friction has been developed both there and here, and I think we are not altogether blameless in the general controversy. In 1878, when this glorious National Policy was inaugurated, we laid down the proposition that the object of it was to obtain reciprocity with the United States. We were going to coerce them, and according to the statements of those who spoke in those days, who are still Ministers of the Crown, it was to be accomplished in three or four years. We put on our Statute book a law that whenever the United States should choose to reciprocate with us in natural products we would do the same. From time to time the United States has put on the free list in that country the very articles that we have mentioned in this list of ours.

HON. MR. MILLER—Some of them.

HON. MR. SCOTT—Some of those articles that we have. Attention was called to the fact very recently in another place and the Government disclaimed any obligation on their part to put on the free list any of those articles until the United States conformed to the full letter of the law and put all those articles on the free list. The press of the country commented on this and said it was a wholly indefensible and foolish position to take. After it had been discussed for a fortnight Sir Charles Tupper fortunately recovered and returned to the House and he at once admitted that the Government had made a mistake and that it was preposterous to defend such an action. Forthwith an Order-in-Council was issued putting these very articles on the free list. There was no delay: the moment it was mentioned it was done, although his colleagues and the supporters of the Government had one and all exclaimed against the propriety of doing this very thing. They quarreled over the grammatical construction of the word "may." It was discussed apparently with a good deal of force that "any or all" meant "all:" of course the position was a ridiculous one and the supporters of the Government felt it, but they felt it more keenly after a fortnight when Sir Charles Tupper candidly admitted that it was a mistake, and it was rectified. They now propose to repeal that old act and create a new list and in that new list they leave out a number of the articles that were inserted in the list of 1878—some very important articles, for instance coal. For the benefit of somebody down in Nova Scotia, the people of the Dominion have to put up with the deprivation of soft coal from the United States. Then, again, for the benefit of some counties in the West such as Kent and Essex and one or two more, corn is taken out of the free list, under the absurd pretention that it is for the benefit of the farmers of the country, when the majority of the farmers would prefer it on the free list.

HON. MR. McCALLUM—Not much.

HON. MR. SCOTT—My hon. friend represents a county which is in a sunny land, where corn ripens. Unfortunately we cannot grow corn down here and we have to pay duty on the corn we import. Ontario cannot supply the corn that is required for home consumption, nevertheless a duty is imposed on imported corn to keep up the price of corn raised in West Ontario.

HON. MR. READ—It increases the price of whiskey.

HON. MR. SCOTT—A good deal of the whiskey manufactured in Canada goes to France to make Cognac brandy. Gooderham & Worts and other distillers draw a good sum in rebates for the duties they pay on corn. They get the rebate when they send whiskey to France to be converted into pure Cognac brandy. It is unfair to the people of this country that an article like corn should be excluded when it is so useful to the farmer: yet the farmer has to be taxed seven cents because the duty affects a few people in West Ontario.

HON. MR. MILLER—What has this to do with the question?

HON. MR. SCOTT—I am showing where the aggression is, and I have a right to do so.

HON. MR. MILLER—My hon. friend says he is talking on the question of aggression and that he has a right to discuss the tariff of the country. If he can discuss the tariff, he can discuss every conceivable subject of a public nature that has at any time engaged the attention of the Parliament of Canada. As the hon. gentleman has rather defied me in the position I have taken, I say he is out of order in the remarks he has just now been making on the tariff.

HON. MR. SCOTT—I am sorry that my hon. friend should feel so keenly my taking this latitude. I conceive that the latitude is not unusual and that on a question affecting the two nations their tariff and our tariff, their laws as affecting us and ours as affecting them, are proper subjects for discussion. Those are the questions which will be coupled with the subject at Washington, and they are the questions that agitated the House of Commons The huge volume that we have from that House shows that the discussion was not confined to the fisheries clauses, but embraces all those questions.

HON. MR. MILLER—My hon. friend is not speaking to the point of order.

HON. MR. SCOTT—I am speaking to the point of order and I say I am not travelling out of the record when I speak of the general policy of Canada towards the United States in connection with the fisheries question, because it is an incidental one. You cannot discuss the fisheries clauses except from the broader point of view. I take the ground that to put in force the treaty of 1818 at this time is a mistake. I am proving that it was a mistake, and to do that I have a right to quote just what I am quoting, and I am sure that this House would not adjudge me out of order.

HON. MR. MILLER—I merely made a remark intended for the hon. gentleman alongside of me: I did not intend it for the hon. gentleman's ears, but he turned round on me and said he was in order. I say he is not in order, and I am sure that every one who is familar with Parliamentary practice will agree with me that in discussing a question so irrelevant to the one before the House he is not in order. However, I do not wish to press the question.

HON. MR. SCOTT—The hon. gentleman has been carping at my remarks—

HON. MR. MILLER—The hon. gentleman is not justified in making such a statement.

HON. MR. SCOTT—The hon. member is seated behind me, and he has certainly challenged a great deal that I have said, and I have had to turn roumd on several occasions to answer him. I am speaking from my own standpoint and I am wholly and individually responsible for my utterences. I may be wrong: I dare say I am in many of the views I take. I am not educated, as the lower Province people are, on the fisheries question, although I am glad to find that my hon. friend from Prince Edward Island (Mr. Howlan) 18 years ago took exactly the same view I am taking now.

HON. MR. HOWLAN—I will explain that by and by.

HON. MR. SCOTT—Another ground for irritation is our conduct in connection with the Wrecking law. It is notorious that the United States have been ready to meet us half way on that question. It is part of the question that is being considered to-day at Washington, and we have a right to consider it at Ottawa. The Wrecking law is a disgrace to us as a people. We know that there is a standing offer to us at Washington—that they are prepared to meet us whenever we are prepared to meet them. A Bill was introduced in the House of Commons to put the wrecking laws of the two countries on a better footing, giving authority to the Governor in Council to allow this to be accomplished. What was the fate of that Bill? The Government put its foot down and said "No it shall not pass: there are a few men in this country who own tugs and they must be protected" and so a law that is a disgrace to this age remains on our Statute Book.

HON. MR. McCALLUM—Will the

hon. gentleman explain what he means by a disgrace?

HON. MR. SCOTT—I say it is a disgrace that if one of our vessels is wrecked and an American tug is near by, it cannot throw a line to save it.

HON. MR. McCALLUM—That is not the fact.

HON. MR. SCOTT—My hon. friend may possibly own two or three tugs himself.

HON. MR. McCALLUM—That is getting personal. This House will take my statement when I say that I do not own the value of a pin in a wrecking tug; but I would like the hon. gentleman to explain what he means by the disgrace.

HON. MR. SCOTT—I say it is a disgrace that we should refuse to meet our neighbors half way. Here is a line of water over 1,000 miles in length in which the vessels of both countries are constantly sailing, where every year great mishaps are occurring, and where American vessels in distress cannot be assisted by a Canadian tug or a Canadian vessel in distress cannot be assisted by an American tug even to the extent of throwing out a hawser.

HON. MR. McCALLUM—There is no law, human or divine, to prevent one vessel giving assistance to another in distress. I would like the hon. member to mention an instance of where a vessel in distress may not be helped by another vessel.

HON. MR. SCOTT—If my remarks are getting wearisome to the House I am willing to sit down.

HON. GENTLEMEN—Go on, go on.

HON. MR. SCOTT—I do not want to go on by the favor of the House by any means. I claim the right to deal with the question from the standpoint from which I have been discussing it. You cannot deal with it properly by merely taking up the fisheries clauses one by one as they stand here. You have to judge them by outside circumstances. It is just these causes of irritation—the wrecking laws—the refusal to meet the Americans half way—that have caused all this trouble. I say it is not the sentiment of the people of this country; it is a mere fraction of our people, that endorses those laws. If the great masses of the people understood the question they would not permit it for a moment. I propose to bring my observations to an end with just this remark, that I cheerfully support the Treaty; that I would have been very glad to support it had it been wider; that I fear it is offering the hand of friendship too late; that had the offer been made two years ago we should have been on much better terms with the United States. I trust it is not yet too late, that if the Treaty is put off for six months there are circumstances that will lead to our having this Treaty recognized and adopted in Washington. It would at all events be burying the hatchet to that extent; we would be on better terms for making another treaty. But even if it does not pass at Washington I hope that the Government of this country will in the future live up to this Treaty no matter what the line of the U ited States may be—that they will interpret the treaty as the Commissioners who sat at Washington interpreted it. I hope it is not true that we are getting ready our cruisers to go down and carry out the same line of conduct in the coming season as in 1886-87 if this treaty is not confirmed. I trust that whether the treaty is rejected or not at Washington this will be our interpretation for the future of the treaty of 1818.

HON. MR. MILLER—Before proceeding to offer any observations to the House on the important question under consideration, I cannot refrain from congratulating the Senate upon the marked change which has taken place in the views of the hon. gentlemen who has just addressed it on this question.

To-day, the hon. gentleman, I am glad to find, is one of the most hearty and outspoken supporters of the treaty. He

is not only in unison with the treaty, but he is sorry it does not go further in the direction of concessions. He endorses fully the arguments of Sir Charles Tupper in every particular, and quotes him as an authority against that gentleman's own friends. I congratulate the House and the country that my hon. friend occupies this position to-day, because it is such a contrast with the views he held of the treaty such a short time ago. Not only are his opinions of a short time ago diametrically opposed to the opinions which he has given expression to on this occasion, but I can say with truth that his expressions of to-day are equally inconsistent with his expressions of yesterday evening. The hon. gentleman, on a previous occasion, when the subject of the fisheries treaty incidentally came before us, when we had no papers to guide us in connection with it, and when it was, in fact, improper to discuss it,went out of his way to assail that Treaty in most unqualified terms, as a treaty in every way unjust, as a base surrender of our rights forced upon Canada by the Imperial authorities, in short, as a treaty which Canada would never herself have assented to, and even used the strong and unseemly words that the Treaty was a farce and a fraud. That is the language which my hon. friend ventured to use in this House when the question first came before it in the Debate on the Address. I ask the House and the people of this country what confidence can be reposed in the opinions advanced by the hon. member, when they are proved to be so clearly antagonistic to each other within so short a period? No reliance or confidence whatever can be placed on the opinions of an hon. gentleman, who only a few weeks ago indignantly denounced this Treaty as a farce and a fraud and to-day declares he approves of every word of it, and in quoting from the speech of Sir Charles Tupper, one of the plenipotentiaries, who framed it, says that he agrees with every word that hon. gentleman uttered in submitting it to Parliament. I cannot understand how, within so short a time, the hon. gentleman could have been so completely converted, unless it has been by the able argument of the Hon. Finance Minister; but if so, it is a pity he did not wait to get information before giving utterance to such extreme language against the treaty. My hon. friend has not only made a complete somersault on this occasion, but he is guilty of incorrect statements with regard to most important portions of the treaty. I do not intend to follow the hon. gentleman in the wearisome task of discussing the mass of irrelevant matter, so foreign to the question, which he introduced into this debate for, in fact, half of his speech had no connection whatever with the subject before the House; but I may point out two or three remarkable instances of how utterly unreliable are the statements of that hon. gentleman before I proceed to answer some of his absurd contentions of another character. I will first refer to what he said yesterday in relation to the Treaty of 1818, which he has denounced in such strong and violent language, a treaty contracted only seventy years ago by two of the foremost and most enlightened nations of the earth. Referring to that treaty which was signed by the United States, as he said, under compulsion and at the point of the bayonet, while the truth is it was negotiated, after a war between Great Britain and the United States in 1812, in which Great Britain was never supposed to have had the best of it, because we all know that in consequence of the cowardly manner in which the neighboring republic acted at that time, when England had her hands full in more than one quarter of the world, when, thinking they had a good opportunity perhaps, of revenging what they considered old wrongs — joined with the enemies of England, when the armies and navies of the latter were fighting in defence of the liberties of Europe. It was under those circumstances, four years after the negotiation of the treaty of 1814, that this treaty was entered into between Great Britain and a country that claimed at that time to have got the bet- of us on sea in the previous war. I therefore say my hon. friend was not justified in referring to that treaty in the light he did—as a treaty forced upon a weak country at the point of the bayonet. The reverse of the comparison in some respects would be nearer the truth. But in referring to the treaty of 1818, he said

it was negotiated at a period of almost semi-barbarism—that it was not a thing that could be defined at the present time—that it would be impossible for such a treaty to be negotiated in 1888 as to some of its provisions. Admitting that the treaty is one that could not be entertained to-day, does it follow that it was not a proper treaty for the times and circumstances in which it was negociated? In illustrating his view of the treaty in that respect he said, : "Why even the colonies had not the benefit of the navigation laws. A colonial vessel could not go to the ports of the United States or United States' vessels could not enter the ports of the colonies without being liable to seizure and confiscation. They were permitted to do it only on sufferance. Speaking of the navigation laws of Great Britain and also in relation to the navigation laws of the United States, he said that such was the political and commercial blindness of the period during which that treaty was negotiated that the vessels of one country could not visit the ports of the other. I tell the hon. gentleman that long before the American Revolution and the establishment of the great republic to the south of us—long before that, colonial vessels (the hon. gentleman admitted that British vessels of course had access to American ports and American vessels to British ports) I repeat, had the same rights, precisely the same rights in regard to American ports that the vessels of Great Britain herself had, and in proof of that I will quote a very short authority, but a very good one, the history of England in the 18th century by Lecky. Referring to the commercial system of Great Britain between 1763 and 1778 he says: (page 299, Vol. 3.)

"There were assuredly no other colonies in the world so favorably situated. They had, however, before the passing of the Stamp Act, one real and genuine grievance, which was already preparing the way to the disruption of the Empire. I have already, in a former volume, enumerated the chief restrictions of the commercial code; but it is so important that the true extent of colonial grievances should be clearly understood, that I trust the reader will excuse some repetition in my narrative. The colonies were not, like Ireland, excluded from the Navigation Act. and they had no special reason to complain that their trade was restricted to vessels built either in England or in the plantations, and manned to the extent of two-thirds of their crew by British subjects. In this respect they were on an exact level with the mother country, and the arrangement was supposed to be very beneficial to both."

That is an authority I presume which the House will be disposed to accept. It is a complete refutation of the illustrations which the hon. gentleman gave to this House, and one on which he placed a great deal of stress as to the illiberality of the commercial system of Great Britain in relation to her colonies long before the time of the negotiations of the treaty of 1818, and even before the revolt of the American colonies.

HON. MR. SCOTT—I spoke of the policy after the revolution. And I read to the hon. gentleman American authority which declares that colonial ships had not the right to enter American ports: if colonial ships were registered in England I suppose they would have the same right as British vessels.

HON. MR MILLER—Hon. gentlemen know that to follow down the navigation laws from 1760 to the present time and present them to the House in this debate, would involve an immense amount of labor and sorely tax the pations of hon. gentlemen but, according to the authority I have quoted just now, the colonies were in exactly the same position as the mother country with regard to their shipping. It is very easy to quote a particular act and without quoting another act before it or behind it that may materially modify it, draw a wrong conclusion, and I will show to the House before I am through that the hon. gentleman is one of the most unreliable men with regard to his quotations of authorities in debates.

HON. MR. SCOTT—I gave the authority from the official document.

HON. MR. MILLER—Dealing with the question of the hon. gentleman's misquotations yesterday, in alluding to this treaty he said that really the Government plenipotentiaries deserve no credit at all for procuring the delimitation clause of the treaty—that the same

arrangement regarding delimitation was offered to us over 20 years ago, and he cited as his authority a paragraph in Mr. Bayard's despatch to Mr. Phelps in November of 1866, which said that in substance a similar proposition had been made to the Imperial Government while Mr. Seward was Secretary of the United States and Mr Adams was American Minister to London. This hon. gentleman declared to the House with a great flourish of trumpets: "After all the great credit he said" taken by the Government and the plenipotentiaries in this question of delimitation it amounts to nothing; we were offered a similar delimitation over 20 years ago which to-day we make such a boast of having secured by the Treaty made in February last at Washington." I say that my hon. friend in the most triumphant tones made that extraordinary and incorrect statement to the House. I am going to show to hon. gentlemen how dangerous it is, in a discursive address, such as that of the hon. gentleman's, without order or system, to mislead the House by quoting authorities, which he has not taken the time to examine or verify, in a debate of this kind. I hold under my hand the very best authority on this question. After looking into the authority quoted for this ridiculous assertion of the hon. gentleman I think that the safest and the proper way for my hon. friend would have been to have verified it by reference to the original authorities, before making such a rash assertion to the House.

HON. MR. SCOTT—I had it in the Order-in-Council.

HON. MR. MILLER—The hon. gentleman got very much confused, when he was asked to verify his citation, and dropped the subject at once, as a child drops things when they get too hot for his fingers, and quietly glided off into another course of misleading argument on another branch of the subject. We have the Adams–Clarendon despatches and everything in connection with them in the diplomatic correspondence of the second session, 39th Congress, volume 1, of 1866-67. Here is Mr. Seward's despatch to Mr. Adams, who, I have just now said, was United States Minister to the Court of London at that time:—

"I send you a copy of a very suggestive letter from Mr. Richard D. Cutts, who, perhaps you are aware, was employed as surveyor for marking, on the part of the United States, the fishery limits under the Reciprocity Treaty. Mr. Cutt's long familiarity with that subject, practically and theoretically, entitles his suggestions to respect.

"It is desirable to avoid any collision or misunderstanding with Great Britain on the subject growing out of the termination of the Reciprocity Treaty. With this view I enclose a draft of a protocol, which you may propose to Lord Clarendon for a temporary regulation of the matter. If he should agree to it it may be signed. When signed it is desirable that the instructions referred to in the concluding paragraph should at once be despatched by the British Government.

"As the fishing season is at hand, the collisions which might be apprehended may occur when that season advances."

One would observe in writing this despatch to the American Minister at that date, Mr. Seward did not point out that there was anything harsh or unreasonable in the Treaty of 1818. He did not think that the just enforcement of the Treaty of 1818 would be anything wrong on the part of Great Britain. The principal difference between us then was regarding the question of the headlands limit. The principal question in dispute until the abrogation of the treaty of 1871 between the two Governments, was in fact the construction to be placed on the headland question. In reference to all the other features of the treaty, and what my hon. friend terms its semi-barbarous provisions, the United States never before Mr. Bayard's extraordinary contention within the two last years, made any complaint whatever. Now, let me turn the attention of the House to the protocol submitted to the British Government by Mr. Seward in 1866. Here is the authority on which my hon. friend made his startling assertions to this House.

HON. MR. SCOTT—No, the authority I quoted is found on page 221 of the correspondence.

HON. MR. MILLER—Tell me whose despatch it is.

HON. MR. SCOTT — It is Mr. Bayard's despatch.

HON. MR. MILLER.—The hon. member admits that his only warrnant for this assertion is Mr. Bayard's despatch of November 1886, but it is very hard to get it out of the hon. gentleman. And the hon. member on that despatch, in 1886, ventures to say to this House that 22 years ago a similar offer of a delimitation of the in-shore fisheries was made ? I defy him to find in the protocol submitted by Seward through Adams to Clarendon that that offer was made in 1866.

HON. MR. SCOTT—I gave the authority for everything I said.

HON. MR. MILLER—Here is what the hon. gentleman quoted from Mr. Bayard's despatch of 1886 :—

"I am encouraged in the expectation that the propositions embodied in all the memorandum referred to will be acceptable to Her Majesty's Government, because, in the month of April, 1866, Mr. Seward, then Secretary of State, sent forward to Mr. Adams, at that time United States Minister in London, the draft of a protocol, which in substance coincides with the first article of the proposal now sent to you, as you will see by reference to Volume I. of the United States Diplomatic correspondence for 1866, page 98, *et seq.*"

I have got in my hand that volume of the United States diplomatic correspondence, and page 98, and I will read the protocol which was presented at that time by the American Government to the Imperial Government, and wrongly construed by Mr. Bayard. The preamble of this protocol says :—

"Whereas in the first article of the convention between the United States and Great Britain, concluded and signed in London on the 20th of October, 1818, it was declared that 'the United States hereby renounce forever any liberty hertofore enjoyed or claimed by the inhabitants thereof to take, dry or cure fish on or within three marine miles of any of the coasts, bays, creeks or harbors of His Britannic Majesty's dominions in America not included within certain limits heretofore mentioned,' and whereas differences have arisen in regard to the extent of the above-mentioned renunciation, the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, have agreed to appoint, and do hereby authorize the appointment of a mixed commission for the following purposes, namely :

I will now read the first clause of the portocol of 1866. I ask the House to pay attention to it, because if hon. gentlemen will compare it with first clause of the proposal of Mr. Bayard in 1886 they will see that there is not a word in it about the ten mile limit at all. There is a provision for the general delimitation of our coast under the treaty of 1818 but in that protocol there is not a word about the ten mile limit ; there never was such a proposition from the United States Government at any time before November 1886, which would in the delimitation include bays ten miles wide. Now what does the protodol of 1866 say :

(1) "To agree upon and define by a series of lines the limits which shall separate the exclusive from the common rights of fishing on the coasts and in the seas adjacent of the British North American Colonies in conformity with the first article of the Convention of 1818."

There is no proposition made in this protocol which refers to the ten miles, and it concludes in this way :—

"The said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose."

Now let me read what Mr. Bayard's proposition was, which was the first offer of settling the limits of our bays and harbors on the general terms of delimitation agreed to in the Treaty now on the table of the House, that is, so far as the ten-mile limit is applied to our small bays and harbors. The first part of the clauses is very much the same. To a certain point the House will see that the words are almost identical in the proposals of 1866 and 1886.

1. To agree upon and establish by a series of lines the limits which shall separate the exclusive from the common right of fishing on the coasts and in the adjacent waters of the British North American colonies, in conformity with the 1st Article of the Convention of 1818.

Here comes in the addition, for the first time found in the despatch of any American minister offering us the ten mile limit which however contained no specifie proposal in regard to our large bays :

"Except that the bays and harbors from which American fishermen are in the future

to be excluded, save for the purposes for which entrance into bays and harbors is permittedby said article, are hereby agreed to be taken to be such bays and harbors as are ten orless than ten miles in width, and the distance of three marine miles from such bays and harbors shall be measured from a straight line drawn across the bay or harbor, in the part nearest the entrance, at the first point where the width does not exceed ten miles : "

There is the introduction of this ten mile limit for the first time in any proposal of the United States. Mr. Bayard's proposal then concludes with the precise words of clause 1 of the protocol of 1866.

So the House will see when my hon. friend says that 22 years ago an offer was made to the Government of Canada similar to that which has been described by the treaty of Washington signed last February he did not know what he was talking about and his statement was wholly inaccurate and ridiculous.

Hon. Mr. SCOTT—I do not think my hon. friend is warranted in making that statement. I refer to the work from which I quoted page 215.

Hon. Mr. MILLER—Mr Bayard might have been justified in saying that the first clause of his proposal was in substance similar to Mr. Seward's proposal in 1866—that is a charitable judgment to pass on his misleading words, but in regard to the ten mile offer he was altogether wrong. I will now read the second clause of the first article of the protocol of 1886 which says : —

" To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbours etc."

The other clauses of Article 1 with one exception, are substantially the same and Mr. Bayard may possibly have felt himself justified in making the reference in which he declares that the protocol of 1886 was in substance the same as Mr. Seward's. But the point which I am here arguing, and about which my hon. friend made such a flourish of trumpets yesterday and with regard to which his evidence and authority were altogether misleading in regard to the ten mile limit. Now, I defy any gentleman in this House to find a state paper which before that of Mr. Bayard's, ever contained any offer with regard to that ten mile limit. But I would like to add that if my hon. friend had the information before him, and was acquainted with the particulars of this matter, on finding out his mistake should he not readily desire to correct it ? But I am sorry to say that the hon. member from Ottawa still seems to adhere to it, and not to admit that he is wrong, against the clearest evidence that could possibly be submitted to any body of intelligent gentlemen. The first authority, the official document of the United States, the country which he contends made that proposition, is not capable of dispute. I would like to believe, and I do believe yet, that it is want of acquaintance with the subject that has induced my hon. friend to make this wild assertion; but there is something more that I cannot pass by without referring to it. The hon. gentleman has read that despatch of Mr. Bayard's. He was very well acquainted with any clause in that despatch which he imagined would serve his purpose in this discussion. I would presume that as a lawyer or even as an intelligent man, desiring to inform himself, he would be inclined to read the answer given by Lord Lansdowne, two or three pages afterwards, to that despatch of Mr. Bayard's. In His Excellency's despatch on the subject to the Colonial Minister, in which he clearly points out to the Colonial Office the error into which Mr. Bayard had fallen, when he said in substance even that the protocol of 1886 with regard to the delimitation of our bays bore any similarity whatever to the protocol of 1866. I cannot understand why the hon. gentleman passed it over. It is past my comprehension, and I leave the House to solve the riddle as they best may. I cannot understand, however, how a gentleman of his legal training could take the trouble to get up authorities so innumerable as he did to-day, on points not at all connected with the discussion, and ignore this despatch. I am bound to presume that the hon. gentleman would not wilfully and knowingly conceal what Lord Lansdowne said with reference to that very paragraph, if he

had known of its existence. What does Lord Lansdowne say?

5. My Government does not yield to that of the United States in its desire to reduce with the narrowest limits the occasions for interference with the fishermen of the latter power and should it prove to be the case that there is no prospect of the establishment of closer and mutually advantageous relations between the two countries either in respect of the fish trade and fishing or of commercial intercourse generally, it will certainly be desirable that steps should be taken to determine beyond dispute the precise limits which divide the waters in which Canadian fishermen have the exclusive right of fishing from those in which that right is common to fishermen of all nations. A proposal for the appointment of a mixed Commission to which this duty should, subject to the concurrence of the Governments of the powers interested, be entrusted was, as Mr. Bayard points out, made in the year 1866, by the American Government and formed the subject of negotiations which were eventually superseded by those which led to the treaty of 1871, and to the appointment of the Halifax Commission, which, however did not deal with the question of the limits of the territorial waters of Canada. If Mr. Bayard had simply reverted to the Adams-Clarendon memorandum of 1886, omitting the concluding paragraph to which objection was taken at the time by Lord Clarendon and which as Mr. Bayard at page two of his letter points out is not contained in the memorandum which he now submits, I should have regarded more hopefully than I do at this moment the prospect of an understanding being arrived at before another fishing season commences.

The first article however of the Draft Proposal now submitted by Mr. Bayard, while in other respects following closely the Adams-Clarendon memorandum, differs from that memorandum, not only in the omission of the final paragraph of the latter, but also in that it adds (see Mr. Bayard's Draft, Article I, Sub-section I) the important stipulation that the Bays and Harbors from which American Fishermen are in the future to be excluded save for the purposes for which entrance into the Bays and Harbors is permitted by said Act are hereby agreed to be taken to be such Bays and Harbors only as are ten or less than ten miles in width.

I ask can there be a shadow of doubt in the minds of any hon. gentleman in this House, after the authorities I have quoted, that there never was until the proposal was submitted by Mr. Bayard in 1886, any such proposition ever made as my hon. friend so loudly contended for yesterday and for the purpose of depreciating the services rendered by the plenipotentiaries, in securing the terms of delimitation.

HON. MR. POWER—The despatch which my hon. friend has just quoted repudiates on behalf of Canada the proposition to accept that ten mile limit and contradicts the hon. leader of the House.

HON. MR. MILLER—If I had forgotten that, I would thank the hon. gentleman for reminding me of it, but I have not, and will show the reasons of the repudiation. I will show the House very satisfactorily, I think, that it was one of the most insulting propositions that could be made That proposal of Mr. Bayard of course had to be accepted as a whole, and it was not only most insulting but it asked us to concede every important point in dispute between the two countries on the construction of the Treaty of 1818. I will come to that just now. Let me see first what was the opinion of Mr. Cutts, of whom Mr. Seward, in his despatch to Mr. Adams, of April 10th, 1866, speaks as a person whose opinion is entitled to much respect. I will ask the indulgence of the House to read some paragraphs showing his opinion of the question of what the three miles limit ought to be:

1. "As to the construction of the renunciatory clause of the convention:

"Under this clause Great Britain has contended that no American fisherman has the right to fish within three marine miles of the entrance to any 'bay,' which 'from its geographical position may be properly considered as included within the British possessions,' and that the entrance to such bay must be designated by a line drawn from headland to headland."

* * * * * *

"According to this construction so undefined and indefinite, the Bays of Fundy and Chaleur, or any extent of the sea lying between distant headlands, may be reserved under the name of bay, for the exclusive use of British fishermen.

The United States are firmly opposed to such a construction, believing it to be totally unauthorised by the language of intention of the contention, or by the right acquired by usage. In the opinion of this Government, repeatedly announced at different periods, the American fishermen have a clear right to the use of the fishing grounds lying off the provincial coasts,

whether in the main ocean or in the inland seas, provided they do not approach within three marine miles of such coasts, or of the entrance to any bay, creek, or harbor not more than six miles in width; and to such bays only does the renunciatory clause in the first article apply. They object to the British construction on the ground that, if such arms of the sea as the Bays of Fundy and Chaleur, or such curves in the coast as the Bay of Miramichi, or such part of the sea included between headlands as the wide indentation on the coast of Cape Breton, lying between Cape North and Cape Percy, were the "bays" renounced, there would be an inconsistency if not a clear contradiction in the very next sentence of the article which authorizes American fishermen to enter *such bays* for the purpose of shelter and of repairing damages." It can hardly be contended that "shelter" can be obtained in the Bay of Fundy, an arm of the sea forty miles wide and one hundred in length, or that either shelter, wood or water can be obtained, or damages repaired, in the curve of the coast between the headlands of St. Escumanac and Blackland Point, designated on the chart as the Bay of Miramichi. It is objected to also for the reason that it would permit the drawing of lines anywhere in the Gulf or on the coast from headland to headland, any one of which could be made to embrace, at one sweep, many bays, creeks and harbors, besides a portion of the high seas, and from which the American fishermen could be kept an indefinite distance, and be thereby driven from the fishing grounds."

That is the opinion of the experienced and confidential United States official in his letter conveying the protocol to Mr. Seward, which my hon. friend cited as his authority for one of the most sweeping and wholly unfounded statements I ever heard in this House. I said is it possible that all the practical business men in the Maritime Provinces and everyone who ought to be acquainted with every phase of this question had never before discovered what my hon. friend had found. Such a statement was never made anywhere in any legislature or on any platform or in any place because it could not be made. I think, therefore, it will be evident to the House that in taking authorities from my hon. friend a great deal of caution has to be used, especially when it is done in such a way that it is impossible to keep up the track of his discourse because he flits from one question to another, having no relevancy to that before the House. The hon. gentleman from Ottawa has taken a great deal of trouble to-day to represent the conduct of this country as barbarous and disgraceful in consequence of our enforcement of the treaty of 1818. That was a treaty entered into, as I said just now, by two of the most enlightened and advanced powers on the earth. It was a treaty quite consistent with the subject, a treaty which although strict in some of its provisions, which I am not sorry to have been relaxed, was nevertheless a treaty that was quite within the competency of Great Britain to make, and quite within the range of international comity.

It was such a treaty as does not deserve to be stigmatized in the way it has been to-day.

I will now refer to the question put to me by the hon. member from Halifax. He calls to mind that notwithstanding this offer of the American Government, made through Mr. Bayard in 1886, regarding the ten mile limit, the Canadian Government rejected the proposal then made. If I had nothing to answer to that but that in rejecting it we got all they offered and very much more, we got all our principal bays—such as the bays des Chaleurs, Miramichi, Chedabucto, &c., as enumerated in article IV. of the treaty—with one exception, delimited specifically and we got by the general ten mile delimitation of our bays and harbors all that we considered necessary in regard to the interest of our fishermen. But I would like to ask the House what they must think of my hon. friend if he would ask the Canadian Governmen to accept the proposition of Mr. Bayard?

HON. MR. POWER—I should not ask that.

HON. MR. MILLER—Why did my hon. friend interrupt me and try to leave the impression on the House that the Government had been guilty of some indiscretion in rejecting that proposition?

HON. MR. SCOTT—They rejected the ten miles.

HON. MR. POWER—I say they were right in doing so.

HON. MR. MILLER—My hon.friend, whether he intended it or not, left the impression on my mind at all events that he considered the Government were guilty of some indiscretion in their rejection.

HON. MR. POWER—It was not my intention to do so.

HON. MR. MILLER—What are the other provisions of that treaty? I will read two of them, and I will ask the House what Government would dare, in the face of the public opinion of Canada, for one moment, to entertain the unjust and insulting proposition made to us by the United States Government. There are six artticles in Mr. Bayard proposal. I will read two of them. The proposition I am going to read, as every one who is acquainted with the blue-book is aware, was submitted by Mr, Bayard in November 1886 to the Imp al Government through Mr. Phelps, the United States Minister in London, in connection with his ten-mile delimitation proposal for the settlement of the fisheries question. I will read now the fourth paragraph :—

ARTICLE VI.—The fishing vessels in the United States shall have in the establishment ports of entry of Her Britannic Majesty's Dominions in America, the same commercial privileges as other vessels of the United States, including the purchase of bailt and other supplies; and such privileges shall be exercised subject to the same and regulations, and payment of the same port charges, as are prescribed for other vessels of the United States.

That is, that the treaty engagements of the United States—the solemn treaty engagements of 1818 should be swept aside and that the fishing vessels of the United States should be allowed to visit our ports on the same terms as trading vessels—that we should give up the whole treaty and give up our contention of their right to purchase bait and transport their fish in bond and buy supplies as commercial privileges. What is the next paragraph :—

ARTICLE V.—The Government of Her Britannic Majesty agree to release all United States' fishing vessels now under seizure for failing to report at Custom Houses when seeking shelter, repairs or supplies, and to refund all fines exacted for such failure to report. And the High Contracting Parties agree to appoint a Joint Commission to ascertain the amount of damage caused to American fishermen, during the year 1886, by seizure and detention in violation of the Treaty of 1818, said Commission to make awards therefor to the parties injured.

That is, the Canadian Government without any evidence, on the dictation of a Foreign Minister were to admit that everything they had been doing was wrong, and to pay all the money incurred in costs whether the case justified it or not. Now, I ask, is there any Canadian from one end of this country to the other who would justify for a moment the Government in accepting such a proposition as that for the settlement of the fisheries question? It is absurd,and it is like all the other charges which have been brought against the Government in connection with this question, when truth and fact and argument are brought to bear upon them they appear to be nothing more than the ravings of partisans, who, on a question of this kind, where patriotism should be the guiding motive for every gentleman who has the serious duty devolving upon him of protecting the interests of the country against a powerful neighbour, we find the opposition throwing obstacles in the way, and even where they dare not divide Parliament on the question, doing all they can to vilify and blacken their own country and its Government, and to exasperate the people of the United States against us ; and making speeches such as that my hon. friend made here to-day, which may be quoted in the Senate of the United States hereafter as the utterances of an ex-Cabinet Minister, holding up the Dominion in the worst possible character, as harshly, disgracefully and unjustly imposing and carrying out the restrictions of a semi-barbarous treaty.

At six o'clock the Speaker left the chair.

AFTER RECESS.

HON. MR. MILLER resuming the debate said:—When the House adjourned I was endeavouring to controvert

some of the positions assumed, and to reply to some of the reckless statements made by the hon. gentleman from Ottawa upon the question before the House. There are other portions of his speech, however, I feel I cannot pass over in silence. The hon. gentleman has assumed such an attitude in relation to the Maritime Provinces—because that attitude can only be in relation to those Provinces which have a material and local interest in the Fisheries—such an attitude towards them and towards the Government in regard to the manner in which the treaty of 1818 was enforced in our waters, an attitude so unfavorable—so disgraceful, to us, that if he was here in the interests of the American Government and the American fishermen, he could not put a more unfavorable construction on the conduct of our people and the Government of Canada in regard to the manner in which the provisions of that treaty were carried out, I say he could not have done so more effectually than he did it to-day. I will not in dealing with this portion of the subject, trouble you with any lengthy historical account of the fisheries question from the date of the independence of the neighboring Republic. The history of it has been so clearly laid before you by the leader of the House, that hon. gentlemen who have paid attention to his statement must be satisfied and must have obtained a comprehensive view of the case. The treaty of 1783 contained the first regulations made between the Imperial Government and that of the United States in regard to our fisheries. That treaty, as hon. gentlemen are aware, was of such a sweeping character, was so inconsistent with the sovereign rights, both on land and in our territorial waters, of the people of British North America, or, rather, of the Maritime Provinces at that time—a treaty entered into under circumstances of partial compulsion, perhaps, on the part of Great Britain, at a time when she was not in the position in which she afterwards was, to vindicate the rights of her subjects in this part of the world. That treaty was repudiated by England after the war of 1812, which had, of course, abrogated it. During the treaty of 1814, the treaty of Ghent, the English Plenipotentiaries were instructed to have the fisheries question put upon a proper foundation, but the United States plenipotentiaries also received instructions from their Government not to make any concessions or renunciation in connection with the stipulations of the Treaty of 1783. The matter was therefore allowed to stand over until 1818, when, after a good deal of friction and irritation between the two countries, on account of the poaching of United States' fishermen both on land and sea that it became so intolerable a grievance that the Imperial authorities insisted upon a new and explicit treaty with regard to our fisheries. Hence the Treaty of 1818, the treaty which the hon. gentleman from Ottawa has denounced in such unmeasured terms before the House to-day. That treaty was enforced, for years after its negotiation, by the Imperial Government in a way which it was not of course enforced in later times. Then the Imperial Government contended that the three mile limit was a line to be drawn from the headlands of our coasts. The United States Government did not contradict or controvert very strongly in the outset the position assumed by the British Government at that time in their construction of the headland question; subsequently they did undertake to set up the contention that the three mile limit was, as the leader of the House stated yesterday, to be measured from the sinuosities of the coast, and not from headland to headland. The difficulties which had arisen out of this construction of the treaty, and the controversies between the two Governments regarding their rights, ended in the signing of the reciprocity treaty of 1854. That treaty for some years, up to 1866, left in abeyance the different contentions of the two countries with regard to the construction of the treaty of 1818. Subsequently, in 1866, when that treaty was repealed, the same difficulties occurred, although the license system had been resorted to, but United States' fishermen soon ceased very generally to take out licenses, although only fifty cents a ton, for all the rights they obtain under this Bill, including our inshore fisheries besides, which under no circumstance, by this treaty can they obtain; and Canada attempted then to enforce her

fishing rights by placing armed cruisers on our coast in our fishing waters. The contention of the Canadian Government at that time was that the reserve portions of the fishing grounds should be measured from the headlands of the coast, but that contention was abandoned practically by the Imperial Government, for in 1870 Admiral Wellesley, then on the British North America Station, was instructed by the foreign officer not to enforce the treaty of 1818,according to the contentions of the Canadian Government and people, and he received strict injunctions that no vessels should be seized under that treaty that were not actually caught violating its terms within three miles of the shore. I quote now from page 59 of this blue book a dispatch from Mr. Bayard dated Washington May 20, 1886 in which I find the following language:—

In his note of 26th May, 1870, Mr. (afterwards Sir Edward) Thornton, the British Minister at this Capital, conveyed to Mr. Fish, then Secretary of State, copies of the orders of the Royal Admiralty to the Admiral Wellesley, in command of the naval forces "employed in maintaining order at the fisheries in the neighborhood of the coasts of Canada."

All of these orders directed the protection of Canadian fishermen, and cordial co-operation and concert with the United States force sent on the same service, with respect to American fishermen in those waters. Great caution in the arrest of American vessels charged with violation of the Canadian fishing laws was scrupulously enjoined upon the British authorities, and the extreme importance of the commanding officers of ships selected to protect the fisheries exercising the utmost discretion in paying especial attention to Lord Granville's observation, that no vessel should be seized unless it were evident and could be clearly proved that the offence of fishing had been committed and the vessel captured within three miles of land.

This caution was still more explicibly announced when Mr. Thornton, on the 11th of June, 1870, wrote to Mr. Fish:

"You are, however, quite right in not doubting that Admiral Wellesley, on the receipt of the later instructions addressed to him on the 5th ultimo, will have modified the directions to the officers under his command, so that they may be in conformity with the views of the Admiralty.

"In confirmation of this, I have since received a letter from Vice-Admiral Wellesley, dated the 30th ultimo, informing me he had received instructions to the effect that officers of Her Majesty's ships employed in the protection of the fisheries should not seize any vessel, unless it were evident and could be clearly proved that the offence of fishing had been committed, and the vessel itself captured within three miles of land."

This understanding between the two Governments wisely and efficiently guarded against the manifest danger of entrusting the execution of powers so important and involving so high and delicate a discretion to any but wise and responsible officials, whose prudence and care should be commensurate with the magnitude and national importance of the interest involved, and I should fail in my duty if I did not endeavour to impress you with my sense of the absolute and instant necessity that now exists for a restriction of the seizure of American vessels charged with violations of the Treaty of 1818, to the conditions announced by Sir Edward Thornton to this Government in June, 1870.

The charge of violating the local laws and commercial regulations of the ports of the British Provinces (to which I am desirous that due and full observance should be paid by the citizens of the United States), I do not consider in this note, and I will only take this occasion to ask you to give me full information of the official action of the Canadian authorities in this regard, and what laws and regulations having the force of law, in relation to the protection of their inshore fisheries and preventing encroachments thereon, are now held by them to be in force.

But I trust you will join with me in realizing the urgent and essential importance of restricting all arrests of American fishing vessels for supposed or alleged violations of the Convention of 1818, within the limitations and conditions laid down by the authorities of Great Britain in 1870; to wit, that no vessel shall be seized unless it is evident and can be clearly proved that the offence of fishing has been committed and the vessel itself captured within three miles of land.

That was the state of things existing in 1870, before the negotiation of the treaty of 1871; so that it will be perceived—and I wish hon. gentlemen to bear in mind this important fact—that as early as 1870 the Imperial Government, or the Government of Canada, did not venture to enforce exclusive rights in the waters of our coasts outside of the actual three mile limit of the sinuosities of the shores. The difficulties which arose in this point previous to the treaty of 1854, and also previous to the treaty of 1871, were left in abeyance, and were got over by the negotiation of the two treaties I have named. The treaty of 1871 was different from the treaty of 1854, which was cor-

rectly styled "A Reciprocity Treaty." The treaty of Washington merely dealt with the question of the fisheries, and it is quite familiar to every gentleman who has given any attention to this question, but neither treaty ventured to grapple with and settle the vexed headland question.

In 1884 the United States Government gave notice to the Imperial Government of their intention to abrogate this treaty, and then we were thrown back on the state of affairs which had existed before these two treaties were signed. Now, it is contended, that after the abrogation of the Treaty of 1871 in 1885, the manner in which the Government of Canada carried out the terms of the latter treaty—"the harsh, inhuman, and barbarous treaty"—was the cause of the irritation which existed in the United States in reference to Canada. I think I will show from authority which the hon. gentlemen on the Opposition benches cannot very well dispute, that there is no foundation for the charges of harshness brought against our Government in enforcing the treaty. I think I can show that not only was the conduct of the Government of Canada void of any cause for irritation, but it was of a highly conciliatory character throughout, and in every instance they tried to impress upon the people of the Lower Provinces moderation in regard to their rights, and care and prudence on the part of the cruisers in their enforcement of those rights. The treaty expired on the 1st of July, 1885, and the Treaty of 1818 might then have been enforced against the United States fishermen; but did the Government of Canada—the Government that had according to the member from Ottawa, been guilty of so much cause of exasperation and irritation—did they immediately, as they might have done, enforce the treaty? On the contrary, although our Government allowed the expired treaty to remain in favor of United States fishermen in force, so far as regards the free fishing in our waters, without demanding any money compensation, as was granted in 1871 to the amount of nearly a half of million of dollars yearly, they permitted the United States to enjoy all its privileges without any consideration whatever on simply receiving a promise from the President and Government of the United States that they would recommend to Congress at its next meeting the appointment of a Conference to settle the question at issue between the two countries. In the meantime we had to pay the duty on our fish entering the markets of the United States without getting any compensation for our generous concessions. The Canadian Government offered to allow the Americans to use our coast fisheries, even, without any compensation whatever, rather than risk the possibility of any collision between our cruisers in protecting our rights under the circumstances. I ask was this generous concession reciprocated in any way? The only thing they would give us was a promise that the whole subject of the fisheries would be referred to a convention for adjustment, to which the President and his Government would ask the Senate to agree, a promise they were never able to carry out. Was this generous concession — the act of a Government who were disposed to rigidly enforce the treaty? On the contrary, I think I can point to it as an act of generosity, as an act of magnanimity on the part of our Government, which proves in the strongest manner the desire of the Imperial and Dominion authorities (it was done on the recommendation of the Imperial authorities) to avoid anything that would run the risk of causing irritation in the maintaining of our just rights. Here was the conduct of the Canadian Government at the starting point of the late trouble between this country and the United States in regard to our fisheries; and, I ask again, could there be conduct more friendly, and is it right that the Government should be charged with a desire to irritate the people of the United States when they so generously made that important concession? But in what way was that concession met? It is true that the President and Government of the United States performed in good faith their portion of the agreement. A recommendation was sent by the President to the Senate that a Conference should be appointed for the purpose of settling the disputes

between us. But what reception did that recommendation meet with from the Senate of that great nation? The simple proposition made by the Government of that country that the differences in dispute between the United States and Canada should be virtually referred to arbitration was scouted by the Senate as not worthy of consideration, although, as a general rule, when men have differences among themselves they are very glad to refer them to a tribunal which would amicably and justly settle them. But at the very outset the United States showed a disposition to concede nothing—not even to meet us in a proper spirit, and rejected that reasonable proposition which certainly should have found acceptance by them. After their refusal it was found necessary to protect our fisheries, and cruisers were placed upon our coast, and it has been the belief in the Maritime Provinces all through the past two years that the laxity in the enforcement of the terms of the treaty was a just cause of complaint and regret by the fishermen of Canada. Every gentleman from the Maritime Provinces knows that the treaty was not harshly enforced; on the contrary, it was not enforced as rigidly as it ought to have been. It was a treaty solemnly entered into by our neighbors, and they were bound by its terms as much as we were. It was a treaty entered into with their eyes open, and was never disputed even in most of its important provisions because no Government of the United States had ever set up the extreme pretentions which were advanced up by Secretary Bayard during the two years that expired after the abrogation of the Washington treaty.

But one would suppose from what my hon. friend has cited that the treaty was enforced in the harshest possible manner. Now, what are the facts? Under the provisions of the treaties which existed between England and the United States in regard to our fisheries the greatest possible latitude was allowed to American fishermen on our coasts and in our harbours. The customs laws were rarely enforced against them, and they did almost as they pleased within our territorial waters, but when the treaty was abrogated it was necessary that the privileges which they had before enjoyed of almost complete exemption, I may say, from the Customs laws of the Dominion should cease—that those laws should be enforced and it was because these people imagined that they could violate the laws of Canada as they had done while the treaties was in force that so many of them were seized for infractions of the Customs Laws of the Dominion, and properly seized. It will be remembered by the House that when the concession of free fishing for the full season of 1885 was granted to the United States fishermen the Opposition press of the country, from one end of the Dominion to the other, denounced the Government for granting that concession which was in the interest of peace and good neighborship between the two nations, and which our people, in the simplicity and generosity of their hearts, imagined would produce an effect on the Government and people of the United States. I say not only in reference to that concession made to the United States at that time, but also in reference to the manner in which the treaty was carried out and enforced by the Government of Canada, the press of the Opposition all over this country was continually during those two years, hurling denunciations at the Government for not enforcing with sufficient strictness and rigour the treaty of 1818. I shall take one or two sample papers which fairly illustrate the views and complaints put forward during all this time by the Opposition press of the Dominion, and views which I have occasionally found expressed in Parliament. I will show you from leading organs of the Opposition what they considered really was the loose and lax manner in which the treaty of 1818 was enforced — not the harsh manner but the lax manner in which our rights were protected. I take the Montreal *Herald* which, on this question, for many reasons is perhaps better acquainted with the question of our fisheries than most newspapers, because the gentleman controlling it has had a large experience of the subject and is himself, perhaps, as well informed on it as any man in the Dominion. What does the *Herald* say in July, 1886, as to the manner in which Canada was en-

forcing the treaty? In an article headed "Wholesale Robbery of the Fisheries," the *Herald* said:

"It is nearly time that the country was told how the question of our fisheries stands, and what the Government is doing. The present position is most unsatisfactory and cannot continue. We hear of some seizures of American schooners and we find that the orders under which they were made have been rescinded or changed. This is contradicted by the Government and yet it appears to be the case. In the meantime the Americans are stealing our fish by wholesale and by shutting their ports against Canadian fishermen, are practically annexing the fisheries bodily. The bait caught by Americans in Canadian waters is withheld from Canadian buyers, and so that nothing may be wanting to properly cap the matter, it appears that some of the American fishermen who are stealing Canadian fish and defying Canadian cruisers *are bonused by the Canadian Government.* The story is told in an article which we copy to-day from the St. John (N. B.) *Telegraph*, a journal which although in opposition to the Government, backed them up vigorously when some two months ago they seemed to be adopting a policy of honest protection of the fisheries. How this policy of protection has collapsed the statements of the inhabitants of Charlotte County, N. B., sufficiently explain. If anything more humiliating to the Canadian people has ever come under public notice we have failed to see it."

In the St. John *Telegraph* of June 1886 a memorial appeared an extract from which I will read:—

"We the undersigned fishermen of Campobello in Charlotte County, N. B., beg leave to lay before you the intolerable grievance we are laboring under by the unrestrained and overwhelming invasion of our fishery grounds in Passamaquody and the neighboring waters by boat fishermen from the United States."

It goes on to say—

"And now that the line fish are beginning to strike in and in some degrees relieve us from the hardships we have suffered all winter, the fishing ground is covered with their boats and they add insult and mockery to the injury, they are doing us. Human nature can stand no more, and we therefore claim protection from our Dominion Government as a necessary condition to faithful allegiance."

A writer in the *Telegraph*, referring to the Memorial says—

"As mentioned in the Petition the United States fishermen in these waters carry everything with a very high hand, mocking and deriding us and doing precisely as they wish."

Now, is this consistent with a harsh interpretation of the terms of the treaty? It is quite the contrary; it is evident the conditions of the treaty were enforced by our cruisers in a lax and unsatisfactory manner, at least in the opinion of the men most interested in the fisheries. Then again I find the following in the Montreal *Herald* of July 1886:

"Within the past week it has been admitted in the Government press that United States fishing vessels in great numbers have been taking mackerel in the inshore waters of Prince Edward Island, Cape Breton and Nova Scotia proper, and in the best and best known fishing localities in every instance. That is to say they were just where they expected to be, and where their operations would be the most injurious to the interest of Canadian fishermen. The cruisers seem to have taken particular pains not to be there or anywhere near at hand; so here, as in Charlotte County, N.B., the foreign fishermen had everything their own way and violated the treaty with impunity, and about as long as they pleased."

These are the views that were held during these two years by one of the ablest and most representative organs of the opposition on this question and they were the views generally inunciated and sent forth to the world for those two years through the whole opposition press of the Dominion yet we find those gentlemen when it suits their party tactics wheeling round and taking the ground that the treaty was enforced in such a harsh manner that it caused all the ill-feeling that existed in the United States towards this country. Then again the Montreal *Herald* referring to the enforcement of the Custom laws gives a quotation from the *New York Herald*, which ought to be a good authority against United States fishermen, as follows:

"We cannot see that any fault is to be found with our Government for enforcing its laws, where it is entirely in the right, and although their strictness may cause some inconvenience to the United States fishermen, they know only too well what has produced it. The *Herald* itself reminds those fishermen that 'it was on their demand the fishing treaty was not renewed, and on the express ground that the Canadian fisheries are worthless to them.'"

Remember those Customs siezures are the chief cases which the hon. member from Ottawa considered were cases of

such extreme harshness and cruelty that he enumerated them one by one on the evidence of American fishermen, a class of men whose veracity does not stand very high. Those of us who know the sort of skippers in command of most of those schooners are aware that their evidence given in such a matter of self interest is of the most unreliable description. The Montreal *Herald* goes on to say :—

"In view of the complaints now going out from these same fishermen, and of their determined efforts to poach on Canadian waters, the reminder is altogether timely. There can be no doubt that Congress was shamefully deceived by those who spoke for the American fishermen, and every day the fraud is being more thoroughly exposed."

Again the Montreal *Herald* of July, 1887, declares :—

"Complaints are still made in the Maritime Provinces that the waters within the three mile limit are poached as they were last year, and that no seizures have been made. * * * Last year though Canadian waters swarmed with American fishing vessels, only one seizure was made, and that more by good luck than good management."

So after all the only seizure made that year was one for the violation of the terms of the treaty of 1818. There were many seizures for violations of the Customs laws, because as I have said, the immunity so long enjoyed from Customs interference by the American fishermen under both the treaty of 1854 and that of 1871—such immunity so granted them led them to believe they could come in after the abrogation of those treaties and act as they had acted before, smuggling in our ports and defying the laws to which our own vessels were all subject. Then again the *Herald*, August 5th of 1887, after quoting from some Maritime papers as the laxity of the cruisers in discharging their duties says :—

"From this it appears that long immunity has made the American captains bold, and that the Yankee vessels are swarming in our favorable points, with one Canadian cruiser only to watch them. It is all of a piece, and when men have come to the belief that there is some secret understanding between the Governments in London and Canada, the objects of which is to practically surrender the fisheries without having to openly declare that intention to the Canadian people. No Government in earnest about the protection of the fisheries would conduct their operations as Mr. Foster is reported by the journals of both sides to be managing those of Canada."

So lax indeed was the enforcement of this treaty that not only the opposition papers were complaining, but papers friendly to the Government raised their voices and asked for more energetic action. And yet, in the face of this, we have the hon. member from Ottawa, on the most unreliable evidence that he could submit to the House—the statements of interested United States fishermen—arraigning the Government as guilty of the most inhuman and barbarous conduct—of conduct not fit for the age in which we live or a civilized nation. Such is a specimen of the inconsistency with which these hon. gentlemen act, attacking the Government at one moment for not enforcing the treaty with rigor and strictness, and at another time for exceeding their duty and being guilty of harshness and cruelty in the administration of the law. What can these different and contradictory charges against the Government mean? They can mean only this—that the papers and the public men who resort to them are not governed by a sense of justice or a desire to aid the Government in a difficult and delicate crisis, which in any other country in the world would unite both political parties for the common weal. We find those gentlemen no matter what the Government might do or have left undone to enforce the treaty and carry out the wishes of the people of Canada in protection of their interests—we find them blaming the Governmen as much for taking one course as for taking the other.

We have heard a great deal of concessions that have been made by Canada in the treaty which is now before the House. In order to form a just and proper conclusion with regard to that subject I would just call attention for a moment to the relative position and contentions of the two respective Governments during the last two years. Our Government contended for the strict interpretation of the treaty of 1818; it contended for the headlands, holding that contention it is true while it did not practically attempt to enforce it; it contended that the only advantage which the American

fishermen were entitled to under that treaty was to visit our harbors for shelter, repairs, wood and water. Upon the abrogation of the treaty of 1871 Mr. Bayard, as I have just said, took a position which no other Secretary of State had ever taken before. He contended first that under that treaty the United States fishermen should be allowed to purchase bait. He contended that the prohibition to buy bait extended only to the inshore fisheries and did not extend at all to those fishing grounds which were common to all nations, and that therefore as the bait was not required for the inshore fisheries of Canada but for the deep sea fisheries beyond the jurisdictional waters of the Dominlon, they had a perfect right and were not excluded by the terms of the treaty of 1818 from entering our ports and buying bait for these deep sea fisheries. That was the first contention and a most important one it was, because it was the contention on which largely turned the award in our favor in the Halifax conference in connection with the Washington Treaty of 1871. They also contended that under the commercial arrangements which grew out of the mutual concession of both nations in regard to the navigation laws in 1830, that their fishing vessels not having been exempted in these arrangements, were entitled to commercial privileges—that is they were entitled to visit our harbors, buy bait and supplies, and tranship their cargoes over our territory to their own markets. This was a most important contention, as I will show the House presently. Mr. Bayard insisted also on the right of United States fishing vessels shipping seamen within our harbors. These were the principal contentions put forward by the United States Government, besides the three mile limit question, which they argued should follow the sinuosities of the coast. On every one of those contentions, as I shall show the House to its entire satisfaction, the United States have given way and have conceded much more than we did. What have we conceded in this treaty? First, with regard to the headlands, it is admitted and well known to every hon. gentleman that the headland question was practically given up many years ago, by the Governments of Canada and England, and that the instructions from the Imperial authorities, which I have just now read, were that no seizure should be effected and none were effected after the seizure of the Washington in 1834 outside of the three mile limit following the sinuosities of the coast. It is true that we, in words, held a different, a more extreme construction, just as men who are vindicating their rights in a dispute take the highest ground they can, and are prepared to yield moderately, but it was one thing to claim our right, and another to enforce it. We did not attempt to enforce it, and the Imperial Government thought it would not be wise for us to enforce the strict interpretation we argued for. What concession did we make in this point? We made no concession in giving up the headland question; as it was a right long in abeyance, and practically non-existent, which we did not not attempt to exercise—what value was it to us? I have heard hon. gentlemen speak of the concession of the delimitation of our shores as a base surrender of the rights of Canada, but we really made no concession whatever. On the contrary, we gained. Under the treaty of February last, if this Bill becomes law and the treaty is ratified by the United States we will have secured to us double, yes treble the waters that we would have dared to have exercised jurisdiction over before the treaty. We have such bays as the Baie des Chaleurs and Miramichi Bay, which are expressly alluded to by Mr. Cutts in his letter to Mr. Seward in 1866, when he says that if the British construction of the headlands question were admitted, the monstrous result would be that these bays must be closed to United States fishermen. But, strange to say, we have these very bays and eight others given up under the treaty signed the other day at Washington: so that instead of conceding anything on the headland question, hon. gentlemen will see that if the treaty becomes law, we have obtained an actual title to double or treble as much water area as we dared to exercise sovereignty over against Uuited States fishermen under the Treaty fo 1818. Yet we are told by a portion of the press of this country that we have

made a base surrender of the fishing rights of Canada by a delimitation which actually secures to us nearly all the really valuable fishing grounds on the North-east coast of British North America. That is the position which we occupy in regard to that question of the delimitation. The American Government and the American Plenipotentiary gave up their claims in regard to nearly all our largest and most valuable bays, and acceded to the ten mile limit in all the ordinary bays which they had repudiated on all occasions previously. We obtain an undisputed title to larger fishing grounds than we had before.

Now with regard to the contention of Mr. Bayard on the bait question we stand in a still better position. Gentlemen who have followed the correspondence that has passed between the two Governments during the last two years, will know with what firmness Mr. Bayard put forward the claim that the United States fishermen were entitled to purchase bait for the deep sea fisheries, and that they were not precluded from buying bait for the deep sea fisheries under the treaty of 1818, which referred altogether to the inshore fisheries. We know how persistently and firmly that was urged by Mr. Bayard, and those of us who come from fishing districts know well the value of that claim. What has been done on that question? The United States Government have completely abandoned and given up their contention on that important point. Is that no concession of a right they had contended for? I have heard hon. gentlemen speak of the concessions made by Canada, and we have certainly made concessions, but is there anywhere such an abandonment of any principle contended for as the complete abandonment of that claim which was urged with such persistency and pertenacity by the United States Government? I may state with regard to this question of bait that so important a factor was it in obtaining the award of $5,500,000 that the contention before the Halifax conference, which was appointed to settle the excess of value which the United States fishermen had obtained under the treaty of 1871 by the surrender of our inshore fisheries to them and other privileges, that the contention held by the American Commissioners was that Canada was entitled to no compensation for any excess of value, as none existed, because under the treaty of Washington the United States fishermen had not secured the right to purchase bait, and therefore we were entitled to no compensation on that ground.

HON. MR. MCINNES—If they had no treaty rights to purchase bait, it was no concession on their part.

HON. MR. ABBOTT — Mr. Bayard claimed the right after the abrogation of the other treaty of 1818.

HON. MR. MILLER—The point I am desirous of illustrating is this: the value which was attached by the Commissioners at Halifax to the privilege of getting bait in our waters. It was only when Sir Alexander Galt frankly declared before that conference that the view taken by the United States Commissioner was wrong and that the treaty of Washington did give them the privilege of buying bait in our harbors that the judgment among the Commissioners turned against the United States, and it was chiefly in consequence of that admission of Sir A. Galt that the award of $5,500,000 was given to Canada. I will quote now from a statement of the Minister of Justice addressed to His Excellency the Governor General:—

> Before concluding his remarks on this subject, the undersigned would refer to a passage in the answer on behalf of the United States to the case of Her Majesty's Government, as presented to the Halifax Fisheries Commission in 1877: "The various incidental and reciprocal advantages of the Treaty, such as the privileges of traffic, purchasing bait and other supplies, are not the subject of compensation, because the Treaty of Washington confers no such rights on the inhabitants of the United States, *who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enforcement of existing laws, or the re-enactment of former oppressive Statutes.*"

I wish hon. gentlemen to pay attention to this and observe the value which was attached on both sides to the privilege of purchasing bait in our harbors at the date of the Halifax Conference. It was when the Canadian Com-

missioner admitted that the privilege of buying bait on our coasts was conceded by the Washington Treaty that the United States Commissioners admitted privately that their case was gone, and it was largely in consequence of the correct interpretation placed by Sir Alex. Galt on the terms of the Treaty of Washington that the large award was given, indicating in the strongest possible manner the extreme importance and value attached to the privilege. And yet by the treaty before us, they have abandoned this contention *in toto* and for all time to come; with that treaty signed they can never be able to set up again. Whether that treaty is ratified or not I contend that they will never be in the same position to set up their extreme contention on the subject as they did before.

HON. MR. DEVER—Of purchasing bait?

HON. MR. MILLER—Yes.

HON. MR. DEVER—Will they not get leave in the future?

HON. MR. MILLER—Of course under conditions set forth in the treaty on the table.

HON. MR. DEVER—It says "bait, ice, seines etc."

HON. MR. MILLER—If my hon. friend will have patience I will come to that. What I am desirous of doing now is to show to the House that the American Government contended during the last two years, since the abrogation of the treaty of 1871 that they had a right to go into our harbors and purchase bait for the deep sea fishery independently of any treaty concession.

HON. MR. McINNES (B. C.)—On what did they ground that claim?

HON. MR. MILLER—They grounded it—I if must repeat myself—on this construction of the Treaty of 1818. It was contended that the privilege of buying bait which was denied to them under the Treaty of 1818 was bait for the inshore fisheries of Canada, and that the inshore fisheries of Canada had now become worthless to the United States fishermen and they did not desire to use them, but that that provision in the Treaty of 1818 did not at all have any reference to the purchase of bait for another fishery—the deep sea fishery, which was a fishery open and common to all nations. That was the ground which Mr. Bayard took, and which he strenously contended for all along. That contention he gave up and the value of it I have just now been trying to show to the House.

There was another contention which the American Government set up—one of very great value to them. It was this: that owing to the altered commercial relations between Great Britain and the United States brought about by the commercial arrangements entered into in 1830 their fishing vessels were entitled to commercial privileges—they were entitled to enter our ports and get such supplies as they wanted; that the arrangements of 1830 not having excluded fishing vessels the privileges granted to one class of vessels should be granted to the other—that is both to trading and fishing vessels. The importance of such a claim is understood by every gentleman from the Lower Provinces. It meant this: That United States' fishing vessels had the right to go into our harbors, purchase supplies, tranship their fish from our ports to ports of the United States. It was of course an arrogant and untenable claim from which they have receded. It would enable the United States' fishermen to come to our harbors and make them a base of operations in every respect in our fisheries side by side with our fishermen. It would enable them when they had a paying catch to come into any of our ports, in a few hours, and tranship their cargoes to their own markets and then run out to sea again alongside of our fishermen and take another catch, whereas if they had to take their fish home they would not be able to make more than one catch, while with the use of our ports they could make two or three. It was giviug them two or three fares instead of one which of course made a great difference to those foreign fishermen. It would

have been a concession of incalculable advantage to them, and it was strenuously urged on their side during all the controversy of the last two years. What would have been the condition of our fishermen if that contention had been acceded to? They would have found the foreign fishermen using our harbors on the same grounds of equality with our own fishermen, and catching fish in waters adjacent to our coast, and shipping their cargoes home to the very markets from which our fishermen are excluded by almost prohibitory duties. It would place our people under a decided disadvantage —a disadvantage which we feel badly enough at the present, but which would have been ten times worse if our rivals had been allowed all the privileges contended for by Mr. Bayard—the purchase of bait and transhipping of cargoes and the obtaining of supplies in our ports. All these things have been given up by Mr. Bayard. Then the right of shipping seamen in our ports was another claim which has been given up. In fact, all the high ground assumed by Mr. Bayard in his construction of the treaty of 1818 has been virtually abandoned. Still, we have been told that they receded from none of their claims; and that all the the concessions have been made on our side, and that we, and we alone, have receded from our contentions. Can anything be more unfair than placing such a construction on the treaty? It is not evident that instead of the concessions being on the side of Canada they are very important ones on the side of the United States as well. I say the concessions made on our side are no injury to our people, but if we had conceded the contentions of the United States they would have been of the great est value to their fishermen and the greatest injury to ours.

It was asserted by the hon. member from Ottawa that such was the opinion of Prince Edward Island after the repeal of the Reciprocity Treaty, not then a part of the confederation, in regard to the enforcement of the treary of 1818, that they actually set the terms of the treaty at defiance and allowed the United States fishermen to come into their harbors, purchase supplies and tranship their cargoes, and accorded them every privilege denied them under the treaty of 1818. Hon. gentlemen will see what a lucrative business might possibly spring up to that little province by such a course. Canada was enforcing the terms of that treaty with a view to compelling our neighbors to give us some advantages for the concessions they desired. We were enforcing strictly, and very strictly too, under a gentleman who, at that time, was considered one of the most energetic heads of any Department in the Government—I mean the then Minister of Marine and Fisheries, the terms of the treaty, with the hope of compelling the United States to reconsider the question and give us a new treaty. The enforcement of the provisions of the Treaty of 1818 from 1867 to 1870 had the effect of at last bringing the Americans to their senses, as the enforcement of it since the termination of the Treaty of 1871 has had the effect of bringing the present Government and the people of the United States to enter into negotiations for a new treaty. But while we were enforcing the law and excluding United States vessels from our ports, what a lucrative trade the small province of Prince Edward Island might have carried on by allowing the foreigners to buy supplies, etc., and you can readily understand it was a great temptation—a temptation to encourage that illicit trade, which I am sorry to say they did not resist. But with regard to this matter, I presume my hon. friend from Alberton (Mr. Howlan), than whom no man in this House more thoroughly understands the question before us in all its phases, and whose known ability the House will have the benefit of in giving his views on that subject before the debate closes. He will deal with this matter, and I shall not say anything more on the point. I do not contend that we have not made important concessions in the treaty before us. It was inevitable that we should make concessions. It was expected when we entered into the convention with the United States—it was expected if any understanding was to be come to that there would have to be concessions on

both sides, but I think it is unfair that use should be made of any concessions to prejudice the people of this country against a government who have been so fortunate as to obtain a satisfactory settlement of a vexed question in the interests of peace and of all concerned. With regard to the gentlemen who negotiated that treaty, I presume it will not be disputed — in fact, I have heard it admitted unequivocally in this House that no man could have been selected better qualified to represent Canada than Sir Charles Tupper, and I have no doubt that no man was more instrumental in bringing about the conclusion of this treaty than he was. But I may say I believe the two gentlemen who were associated with him, Mr. Chamberlain and Sir Lionel Sackville West were also as true as he to the interests of Canada. As the hon. gentlemen from Ottawa has taken Sir Charles Tupper, in a rather equivocal sort of a way, as his mentor in the argument he addressed to the house this evening, he ought to be ready to take Sir Charles Tupper's views equally with regard to the tribute he has paid to both those gentlemen in the direction which I have just mentioned. Sir Charles Tupper has told us that if these two gentlemen were distinguished Canadian politicians selected from either side of the House of Commons, they could not have been more zealous, more firm, more patriotic in the enforcement of the rights of Canada than they were on that occasion. I do not think it was fair for the hon. member from Ottawa to pursue the course he has taken in discussing this question. He admits that the Treaty is in the right direction. He approves of it to-day although he did not in the beginning of the session—as far as it goes, but it does not go far enough for him.

I presume to please some hon. gentlemen we would require to give everything to the United States that they want, regard less of the rights and interests of our own people. But I ask this House whether there is to be found anywhere such a spectacle, in larger arenas or in larger Parliaments as the hon. gentleman's action from Ottawa presented to the Senate. In the Parliament of Great Britain, could such a scene have been presented as that hon. member's conduct afforded yesterday? While admitting that the Treaty is a good treaty, the hon. gentleman has done everything to disparage or withdraw all credit from the Government and from the plenipotentiaries who negotiated it. Is that the course that would be pursued in either House of the British Parliament? Supposing a difference of the same kind had existed for years, say between France and England, and both countries had selected two or three of their ablest men to settle that difficulty, and after long and patient investigation and discussion of the question in dispute they had submitted to their respective countries a treaty satisfactory and calculated to heal long existing sores. When that treaty was placed on the table, say of the House of Commons, does the hon. gentleman suppose that any member of that illustrious body would rise in his place, and while congratulating the country on obtaining such a treaty, would at the same time be guilty of a want of generosity in detracting in every possible way from the merits due to those who negotiated. While listening to the phillipics which were delivered yesterday by the hon. gentleman from Ottawa against Mr. Chamberlain, the idea which forcibly occurred, I am sure, to the mind of every gentleman who hears me, was that no violence of party spirit would impel any member of that body to indulge in such an ungenerous attack on any of the members who negotiated such a treaty. It is well known that although Mr. Chamberlain and Mr. Gladstone, were formerly political associates, there are no two men in the House of Commons more antagonistic to each other on the greatest question which engages the attention of the the British Parliament; there are no two men more at variance on the Irish question—men who have severed the ties of a lifetime, no doubt with great regret and deep feelings of pain on both sides; yet what do we find the leader of the Liberal party saying of the work of Mr. Chamberlain on this commission? Do we find any petty attempt to detract from the value of that work which he was partly instrumental in ac-

complishing? Not he; he paid the highest compliment to Mr. Chamberlain's ability, and he gave him every meed of praise for the successful manner in which he dealt with that vexed question. That is the way in which British statesmen treat each other upon questions involving national interest and national honor — questions in which every feeling of patriotism as well as material interests are involved. I am sorry that we have not yet risen in this Parliament of Canada to the same high level —to the same standard which is invariably exhibited in the Imperial Parliament on such occasions as the present. I think that it will be admitted that although extreme men on both sides denounce this treaty not only in this country but in the United States in most unmeasured language, still, the reasoning, sensible, moderate people — the people who desire to see us live in peace and amity with our great neighbor — the people who have the welfare of the country at heart, the vast overwhelming majority of the people who are not actuated by strong party motives approve of this Treaty, and although it may not be immediately ratified, I believe the day is not far distant when it will be adopted by the Senate of the United States.

Before passing from the remarks of the hon. gentleman from Ottawa who quoted the opinion of President Cleavland in transmitting the Treaty to the Senate, and also the opinions of two of the United States Plenipotentiaries with regard to the advantages gained by the United States by this Treaty, was it not natural I ask that those distinguished gentlemen would put their side of the case in the most favorable light before their own people? They know the feeling which has been aroused in that country by the false represetation of the manner in which we carried out the provisions of the treaty of 1818. They had a delicate subject to deal with in offering any treaty at all to the people of the United States. It is natural I say that the President should recommend in the strongest language and that Mr. Bayard and the other United States Commissioners should represent to their people, the advantages the United States have obtained, in consequence of the great danger that this treaty may be defeated from political causes which have no relation whatever to the treaty itself. The same may be said with regard to Sir Charles Tupper who was obliged to use an argument before the House of Commons in defence of what he had done as a party to the treaty. He endeavored to make the strongest argument he could; at the same time not saying too much, because a man occupying the high position he does, knew that every indiscreet boasting word that would fall from him would be readily taken up and used against us when the final discussion comes on in connection with the ratification of that treaty in the United States Senate.

I had some authorities to quote on other points that have been taken by some of the opposition papers and in Parliament in regard to this treaty, but I fear I am wearying the House, and I shall try to bring my remarks to a close, leaving much of the matter in the notes in my hands to be dealt with by those who will succeed me in this debate. I have already spoken too long and cannot venture to try the patience of the House much longer.

HON. GENTLEMEN — No, no; go on.

HON. MR. MILLER—To sum up briefly, the leading and principal features of the Treaty under consideration are — the delimitation clauses; the concessions to United States fishermen it undertakes to make, relative to the entry of our ports and in obtaining therein of certain supplies, under the terms of Articles X. and XI.; the concessions contemplated in the event of the United States placing our fish on their free list; and lastly the *modus vivendi* provided for the space of two years. I have spoken in reference to the first, and I need say no more with regard to the delimitation clauses of the Bill. The privileges granted to United States fishermen under articles ten and eleven meet, I think, with the general approval of the House—even as acts of humanity and good neighborhood, and require no argument to recommend them

to the Senate. The same observation is equally applicable to the other two features of the Treaty, which I have just specified, and which have not been challenged or opposed, and are not likely to be challenged or opposed, in this House, after the full and clear explanation and argument of the hon. leader of the House when moving the second reading of the Bill. Under these circumstances I do not feel justified in repeating arguments to which I could add nothing new. It has been said in the press and elsewhere that the plenipotentiaries should have insisted upon commercial advantages in return for any concessions made in connection with our fisheries. There are many who doubt that would have been at all a wise course if it were possible, but the answer to that question is conclusive: it was not possible. The plenipotentiaries, even if it were desirable, had not the power to enter into the consideration of any commercial question whatever; they were bound strictly by the terms of their appointment to a settlement of the controversy between the two countries in relation to the fisheries alone; but in order to show that it was the wish of the Canadian plenipotentiaries that some such arrangement might possibly be effected in connection with that settlement, I shall read the proposition made to the Conference by Sir Charles Tupper shortly after its commencement. It is as follows:—

"'That with the view of removing all causes of differences in connection with the fisheries, it is proposed by Her Majesty's plenipotentiaries that the fishermen of both countries shall have all the privileges enjoyed during the existence of the fishery articles of the Treaty of Washington, in consideration of a mutual arrangement providing for the greater freedom of commercial intercourse between the United States and Canada and Newfoundland.'

"The reply of the American plenipotentiaries was as follows:—

"'While continuing their proposal heretofore submitted on the 30th ultimo, and fully sharing the desire of Her Britannic Majesty's plenipotentiaries to remove all causes of difference in connection with the fisheries, the American plenipotentiaries are constrained after careful consideration to decline to ask from the President the authority requisite to consider the proposal conveyed to them on the 3rd instant, as a means to the desired end, because the greater freedom of commercial intercourse so proposed would necessitate an adjustment of the present tariff of the United States by congressional action, which adjustment the American plenipotentiaries consider to be manifestly impracticable of accomplishment through the medium of a treaty under the circumstances now existing. Nor could the American plenipotentiaries admit that such a mutual arrangement as is proposed by Her Britannic Majesty's plenipotentiaries could be accepted as constituting a suitable basis of negotiation concerning the rights and privileges claimed for American fishing vessels. It still appears to the American plenipotentiaries to be possible to find an adjustment of differences by agreeing on an interpretation or modification of the treaty of 1818, which will be honorable to both parties and remove the present causes of complaint, to which end they are now as they have been from the beginning of this conference ready to devote themselves."'

So that question is set at rest. Even if it were the desire, as it evidently was the desire of the Canadian and British Plenipotentiaries to endeavor to settle the fishery question by some such treaty as was negotiated in 1854, it was impossible for the American Plenipotentiaries to listen to any such suggestion, and they were obliged to give up all thoughts of coming to any arrangement of that kind,

There is another point which has been raised in many places and it is this: what is the necessity of our passing this Treaty before we know that it is going to be adopted by the United States? There is a necessity even in the face of the possibility that it will not be ratified at present by the United States. This treaty undre any circumstances must be ratified first by somebody. We in this country have not the objections which exist in the Republic to the treaty, although, of course, we have made many concessions. There is an absolute necessity that the Bill on the table should become law, for although it may not pass now in the United States, it may be ratified within the next two years—or during the next sitting of Congress and in the mean time a *modus vivendi* has been provided by the treaty, to exist for two years, but which can have no effect and no operation until it is ratified by this Parliament. The fishing season will soon commence. It is necessary that the *modus vivendi* provided by the Treaty—which is of no more

value than the paper on which it is written until it is confirmed by an Act of Parliament of this country, must come into force immediately, and in fact, at present, I understand that United States fishermen are applying for licenses in connection with that *modus vivendi* which they cannot obtain until Parliament makes it the law of the land. Therefore it is plain there is a necessity that we should ratify this Treaty in order to enable the *modus vivendi* to come immediately into operation.

I intended to refer to some other clauses of the treaty, but as many other hon. gentlemen wish to speak on this question,and as it is not a pleasant thing to have all the ground run over, especially after the exhaustive speech of the leader of the Government, I shall curtail my remarks very much within the limits which I had proposed to do. With regard to the concessions made to our people in connection with the delimitation of our territorial waters, it will be observed that an important feature of the Treaty on the table is that under no circumstances is it contemplated by the treaty, even if the advantage of free fish were given to us—under no circumstances is it intended that the right of using the inshore fisheries of Canada is to be surrendered to the fishermen of the United States. That is a reservation which has never before been made in any other treaty,and I would say also that the late convention is the first convention that has had the courage to grapple with all the difficulties of the treaty of 1818. No other convention ever had the courage to grapple with the headland question. We only give up, under the terms of the clause of the treaty under which we expect to get free fish, the right to purchase bait and fishing supplies of all kinds, shipping of crews,and the use of our harbors, either for supplies or transshipment of the catch of the foreign fishermen to their own market. With regard to the treaty of Washington of 1871, it will be in the recollection of hon.gentlemen that when that treaty was negotiated it was denounced by the opponents of the then Government as a base surrender of the rights of Canada ; but I ask to-day what man having the first conception of the facts in relation to this subject, would not gladly hold up both hands for the renewal of that treaty of Washington? I recollect when the treaty of 1871 was before the House of Commons, that one gentleman, respected by everyone who knew him, the late lamented Mr. Patrick Power, then member for Halifax, the father of my hon. friend of the same name, who now so ably fills a seat in this Chamber, was the ony man who had the courage, the honesty, the patriotism, to cut himself away from the ties of party, and in one of the ablest speeches delivered on the question vindicated on every particular the treaty which the Government had negotiated. There was a man who rose above the trammels of party and justified the Government for obtaining a favorable treaty for the country, though he did it against the wish of every member of his party.

It has been said by some hon. gentlemen that the treaty on the table of the House is the result of pressure brought by the Imperial Government on the plenipotentiaries. I am sorry to hear such a remark made, and made in such a manner by any hon. member in this House. I cannot forget how much we owe to the British Government in connection with the protection of our fisheries. I cannot forget how much we owed in our infancy, and still owe to the protecting arm of the Empire; nor can I forget as a Nova Scotian that when our province was small in population and weak in all the resources necessary to protect the invaluable heritage of our fisheries, to what quarter we looked for assistance in our hour of weakness. We looked to the Imperial Government, and it was granted—granted without grudging and with a readiness at all times that showed their willingness to protect our rights. And when I recollect also what we owe to the power of England in other respects, I cannot listen with indifference or silence to such remarks as were made in this Chamber—the last place in which they should be made after the generous treatment on all occasions of this country by Great Britain. If war should grow out of the firm assertion of our rights, on whom would fall the brunt of the battle? On the Empire of necessity. And yet we are told that Great

Britain had no right to have her interests consulted by us. I cannot agree to any such proposition for many reasons. We would have no fisheries to dispute about to-day but for the watchful care of England in the past. How long would the United States refrain from enforcing on us Mr. Bayard's construction of the Treaty of 1818—how long would our powerful neighbor to-day recognize our rights if we had not all the resources of the greatest Empire in the world at our back to defend these just rights at all hazards? Besides, we stand to-day one of the first maritime powers of the earth, although only a dependency of the British crown. We stand, I say, high up on the list of the great marine powers of the world. Our ships float in every sea and are found in every corner of the globe, and they are there protected: how? By the power and prestige of England. Our flag—the flag of the Empire—secures us everywhere from insult and injustice far more fully than did the proud boast of the Roman of old, "I am a Roman citizen," secure the subjects of that vast empire in the days of its greatest power and glory from wrong or indignity.

I feel I have trespassed too long on the indulgence of the Senate, and I will only say, in conclusion, that I think this Treaty will be regarded by all reasonable men on both sides of the boundary line as a fair compromise; as a treaty worthy of the approval and support of men who are desirous of affecting a just and amicable arrangement of a vexatious difficulty of over a century's standing. I believe it will be looked upon as well calculated to remove all causes of irritation between the two great English-speaking peoples of the world; that it will be the means of more fully developing the intercourse, which should exist between them; of cementing the ties of friendship and amity, which it is so desirable to cultivate, and for these, and the other reasons I have endeavored, however feebly, to present to this House. I give the Bill before us my hearty support.

HON. MR. ALEXANDER—Since the period when some of us entered public life—1858—I may say that we have seldom in our experience in the upper Chamber of the legislature, heard a more able exposition upon any question than the address to which we have just listened with so much benefit and pleasure from the Senator from Richmond. The hon. gentleman has come prepared to cover the whole ground. He has come fully prepared, with many documents, to substantiate every argument which he has adduced, and I do not require to touch any one of the points in connection with this great fishery question. He has spoken of the great care of our commissioners to protect our interests at Washington. He has spoken of the admirable manner in which Mr. Chamberlain discharged his duties as commissioner at Washington, and I must admit that the hon. member for Ottawa was somewhat unfortunate in his allusion made to the British Plenipotentiary. Mr. Chamberlain is a very distinguished member of the British Parliament. In England he is regarded by all men as a gentleman of practical mind—a man who has raised himself to a high position, for he was a prominent member of the Gladstone Cabinet. I need not follow the hon. gentleman from Richmond with regard to the friendly manner in which President Cleveland and Mr. Bayard performed their duties, and I am sure that their reception of our commissioners at Washington showed a disposition to be fair and reasonable, and to bring about that which we all desire—a proper feeling of amity between two great countries. Of course, we must expect that the people of the United States, the shrewdest people in the world, are not going to surrender any of their rights. We know that Mr. Frye, the Senator from Maine, very often expresses opinions in the Senate of the United States which appear to us a little warlike, but men of large experience are not troubled by such patriotic ebullitions. The Commissioners remained two months at Washington, working patiently day after day to arrive at a conclusion which would be satisfactory to both countries. As Canadians we know that it would have been useless for Mr. Bayard, or any other United States Commissioner, to agree to any

terms which would not be accepted by the Senate of the United States. Of all the public questions which we are called upon to discuss, there is not one which so imperatively demands that we shall approach it in a calm and temperate spirit as the one now before us. In discussing such a question we must lay aside all party considerations. On a great national question like this, affecting our relations with the United States, we are called upon as public men to lay aside party considerations and look merely at the future advancement and progress of this country, and see how we can bring about those relations of amity between the two great English speaking races upon this side of the Atlantic. We all remember one of Burke's memorable sayings, that "magnanimity is not perhaps the least of the qualities of a statesman," and we Canadians, although only five millions of people can afford to act with magnanimity. Perhaps we have observed that the great Republic do not always manifest that magnanimity towards us that they should, but we will not dwell upon this. I agree with my hon. friend from Richmond that after months of mature consideration the Commissioners have arrived at a treaty which will be deemed satisfactory by the people of the United States and the people of this Dominion. The question really is what would be the result of a defeat of this Bill, and what would be the result of our accepting it. I do not hesitate to answer the first question. No one desires to see continued irritation between the United States and ourselves. We all know how our interests are deeply interowven. We are a kindered race. They are blood of our blood, and Lord Salisbury shows his wisdom when he says they are not going to war with the great American Republic for such a simple matter as this. We have heavy responsibilities thrown upon us as members of the Anglo-Saxon race—namely of spreading Christianity with its blessing of civilization over the whole world. We all know how complicated the affairs of the Empire are, if complications should arise between England and other powers, and can we expect that Lord Salisbury's Government are going to enter into a war with the United States with whom Britain has a large and most profitable trade? It does not imply that the people of England do not value their colonies; they are always ready to defend us, but they are not prepared to embroil themselves with the United States because of this small fishery question. Then again we observe that the Americans, by their great care and good management of their finances, have reduced their war debt, and in a very short time the Chinese wall of duties which they found it necessary to erect between themselves and the world will be almost entirely removed and soon we shall see our lumber, our fish, barley and other products finding their way to their markets. If we only go on managing our affairs frugally, honestly and with wisdom, and not wastefully, governing our country well, so as to promote the happiness of our people and cultivating relations of amity with the United States, we may say that we have a great future before us. As the hon. gentleman from Richmond says they have made reasonable concessions at Washington, and I do not think that the fact of the Americans being allowed to fish at a certain distance from our coasts will diminish the fish in our waters. I believe that under this treaty the fisheries of our Atlantic coast will continue to be as good in the future as they have been in the past. Then what sacrifice are we making in agreeing to this treaty? God forbid that we should ever become a part of the United States. The point is this—that the wisest policy for us to pursue is to govern our own country wisely and well—cultivate friendly relations with our neighbors, and we will swell our population and extend the empire. None of us would desire to become part of the United States. Who would desire to see our judges elected and our civil servants changed after every Presidential election? We do not desire such constitutional changes in this country. I cannot believe that there is one member of the Senate who will oppose this Bill. We have a noble inheritence, magnificent rivers and lakes and our great North-West—a territory capable of sustaining fifty millions of people. Our true policy is to cultivate friendly relations with the United States

in every way,—not that we are afraid of them. I think the hon. member from Ottawa was a little unfortunate in some of his remarks, and when he reflects to-morrow on his statements about Mr. Chamberlain I think he will regret that he made them. My hon. friend alluded to Mr. Chamberlain's visit to Ireland; why should not a member of the Imperial Parliament go to Ireland and endeavor to reconcile the differences there?

HON. MR. DEVER—What did he go there for?

HON. MR. ALEXANDER—The hon. gentleman asks what did he go to Ireland for. Has not the empire a deep interest in conciliating the Irish? Is not Lord Salisbury endeavoring to get the landlords to accept lower rents and the laborers to give up drinking habits so as to be able to meet their honest debts? We are proud of men like Mr. Chamberlain. He has risen through the industry of his father and himself to a position amongst the highest noblemen of the Empire. Mr. Chamberlain is a practical man, sincerely interested in promoting not only the well being of the Empire at large, but desirous to see our Dominion prosper as part of the Empire. I am sure that no member of this House will oppose the Bill or desire to see it rejected.

HON. MR. HAYTHORNE—When the leader of the Government introduced this measure in the Senate I thought that he acted with excellent judgment in the appeal that he made, that patriotism should prevail over party spirit on this occasion, and for my part I have no intention whatever to vote or speak on this measure in any other light than that which the hon. gentleman suggested in his speech, of which I very much approve. I am quite aware of the great difficulty the Commissioners at Washington must have experienced in effecting what they did effect in regard to the treaty which forms the subject of the bill now before the House. Quite unlike any other bill which comes before the Senate it is the subject of foregone conclusions. The gentlemen who carried that treaty to the result which it has so far reached were not exactly masters of the situation. They had not only to carry out the views and contentions of their respective governments and those they were supposed to represent, but they had also to submit and agree to conditions which had to go before what one might call a Court of Review and there before the United States Senate the question rests for the present, because I cannot entertain a doubt that so far as the Parliament of Canada is concerned, the Bill which the House is asked to read now the second time will meet with no serious obstruction. Nevertheless I feel bound to say that in listening to the remarks which fell from the hon. member from Ottawa I was very much disappointed with some of them, particularly his allusions to the unfitness of the British Commissioner, Mr. Chamberlain. I share very much in the opinions of the two gentlemen who preceded me in their views of the fitness of the English Commissioner. The result is I think what we ought to look at. A treaty has been agreed to by the Commissioners and has been laid before this Parliament, which so far has proved tolerably acceptable to all the parties before whom it has been laid. We cannot speak yet of the course which the Senate of the United States will take on this matter, but I fully expect that before long—perhaps not immediately—that treaty will form a basis of our future arrangements with the United States on the much vexed question of the fisheries. The hon. gentleman from Ottawa made use of some expressions with regard to the British Commissioner which seemed to me very extraordinary. He described him as attended from the day he landed at New York until he left the United States by detectives, and escorted by police. If that were so I think it reflects very favorably indeed on the British Commissioner, who landing in a foreign country, where his appointment was so unpopular as to make such a guard necessary for his personal safety should leave that country a few weeks later successful in the efforts he had put forth to do his duty towards Canada and Great Britain. That a Commissioner entering a country under

such unfavorable conditions should leave it so scccessful is to my mind an indication of his capacity and fitness. But if such an escort as the hon. gentleman from Ottawa describes was really necessary he could not pass a heavier reflection on the people of the United States than to say that such an escort was necessary to protect the envoy of a friendly nation. I never shared in the objection to this treaty. I remember when at the beginning of the session some heavy indictments were laid against it by the hon. gentleman from Ottawa, I protested against them and read from American sources extracts which completely negatived the idea that the American fishermen were invariably treated harshly and inhumanly in British waters. I have often been appealed to as a Canadian in other countries, as to what the real bearings of the question were and I have always said that the case of Canada as regards the Treaty of 1818 was unassailable and that the charges laid against her officers and public men were, so far as I knew, without foundation. I do not dispute that there may be cases of individual officers, perhaps recently appointed and imperfectly acquainted with their duties, hesitating as to what particular course they should follow. If they went too far they were liable to blame, as taking an extreme view of Dominion rights; if they did not go far enough they incurred blame in another way for remissness. That is the natural consequence you expect from men newly appointed to office and without experience as to the duties they have to perform, yet I think it will be admitted that those officials, on the whole, creditably performed their duties and not in a harsh manner. That is my experience of them. But I think if it is desired to form an accurate estimate of American opinion, apart from party questions, we must look a little further inland than the immediate circle of American politicians. Some allusion has been made by gentlemen here as to political influences at work on this question. I believe that those political influences were exerted long before Mr. Chamberlain, the British commissioner, came to this country, and long before this treaty was finally agreed upon—that, in fact, the wire-pullers who hoped and intended to influence the next election for president went down at a very early period long before the arrival of the British Commissioner, to influence the fishermen of New England against any treaty that should be made. It would be a long story to enter upon the causes which have given rise amongst the United States' fishermen to this jealousy of British rights, and yet I think it might be told in a very few words. These men have been bred in a school of monopoly and they know perfectly well that to admit the products of the Canadian fisheries to enter the market, enlarges the supply and reduces their profits and for that reason they are unwilling to admit Canadian fish to any such privileges of free entry as they had enjoyed under the Washington Treaty. On the other hand they are only too ready to avail themselves of any opportunity of filling their vessels inside the English waters if they can do so with impunity. That, in a few words, is the cause of the jealousy of American fishermen against any renewal of the treaty such as we had in former times with the United States. But without doubt it is a very difficult thing to negotiate a treaty with the United States, and having accomplished it, it is also a very difficult thing to carry it into effect, because there are so many parties to be satisfied on these points, and not only so but we may see an illustration of this in the result of the Treaty of 1818. One would have supposed that the terms of that treaty being so clear that they could not be misinterpreted. One would think that there could be no double interpretation of such plain language as is found in that treaty. Four rights are reserved to American fishermen: they are enumerated with great precision. They are told what they may do and what they may not do, is expressed in the phrase "for no other purpose whatever." Yet we find in the course of time a new interpretation is put upon this treaty. The question of buying bait is put out of the category in which it was originally placed, and it is by American diplomatists held now that because the Americans have discovered new methods of fishing and bait is not necessary for use in the

inshore fisheries—that the restrictions of the Treaty of 1818 do not apply. In former times the system of fishing was quite different, the best fishing then was within the three mile limit, and mackerel were taken with the hook and line, and for that purpose bait is essentially necessary. On that subject the hon. member from Alberton can give information of a practical character. Besides the bait used on hooks it was largely used by the American fishermen to attract fish around their boats and it was then essential for their inshore fisheries as well as for their deep sea fisheries. The modern way is to fish with seines. After large quantities of mackerel and other fish are taken at a haul, and bait is not required, but the deep sea fisheries bait is still necessary, as is apparent from the case of the David Adams; in order to get that the conditions of the Treaty of 1818 were infringed, and thus the master and crew got themselves into trouble. I think that is a typical case. There are absolutely conflicting accounts of it given. If you read the accounts of the case of the David J. Adams, as given by the Canadian authorities, you would say that there could be no defence made. That vessel was seen in the harbor wrongfully remaining there forty-eight hours. The master bought bait and ice and waited to obain more, but seeing the steamship "Lansdowne" approaching, tried to escape, but was stopped. Besides this offence against the Customs laws of remaining over twenty-four hours in port without entering at the Customs and buying bait, the same man, it is alleged, had the name of his vessel and the port from which he hailed covered with canvass during the whole time that he was there. When he was boarded by the officer of the "Lansdowne" he said he had no bait on board. Notwithstanding that, when search was made, bait was found on board; then he said it was stale, yet there were competent men there who declared those were fresh herrings taken on board the day before. You would have thought that those facts were quite sufficient to condemn that vessel, yet we find when the case becomes the subject of diplomatic correspondence, it assumes quite a different appearance. Every point alleged by the Canadian officers is flatly denied, and a case of hardship suffered appears instead. I just mention these thing to show the difficulty there is dealing with such cases. That is only one of quite a number. Then again the same thing occurs with the American Government themselves. We find the are eonstantly putting new interpretations on treaties. If I were disposed to criticise the treaty unfavorably I could point to one provision which I think it ought to contain: it should have been provided in the treaty that in enjoying any rights on the shores of British North America every American fisherman should be compelled to submit to all local laws and regulations duly enacted to which Canadian fishermen were themselves liable. Let us just take the case which happened on the coast of Newfoundland, I believe, in the winter of 1886. The Americans were catching herrings. They clearly infringed the laws of Newfoundland. They worked their seines from the shore, and they took herrings with seines at a time they had no right by the laws of Newfoundland so to to take them, and moreover they fished on a Sunday. Those things were illegal, but according to the American's statement of the case you find that the American Minister holds that American fishermen are not at all bound by the laws of Newfoundland. They demand their pound of flesh. They said "We paid so much for our privileges under the Washington Treaty as a result of the Halifax Convention, and we are not going to be debarred of our full enjoyment of those privileges by any local laws whatever." I think it would have been a wise thing if conduct of that kind could have been guarded against in the future by a specific clause of this treaty. I feel quite reluctant to criticise at any length the remarks of the hon. gentleman from Ottawa, but still there are one or two points to which I cannot refrain from alluding and I do so because he referred towards the close of his speech to a minute of Council of the Province of Prince Edward Island, dated before Confederation, when Prince Edward Island controlled its own fisheries and it so happened that I brought that minute of council down to the House, because from it I intended to demonstrate that

the assertions made with regard to ill treatment, dislike and unneighborly conduct which have found their way into American statements, had no foundation so far as the province of Prince Edward Island was concerned, and I intended further to have shown from it that the charge of disloyalty which is sometimes urged against Canadians had no foundation in fact. Incidentally my hon. friend from Richmond, whose remarks are generally exceedingly precise has led me to notice slight inaccuracy of his—I am sure quite unintentional. In referring to the circumstances of the fisheries question which ensued after the Southern War and before the Washington Treaty was adopted he spoke of the efforts of Canada to keep the United States fishermen out of Canadian waters. But I think the hon. gentlemen overlooked the fact that after the cessation of the first Reciprocity Treaty and after the close of the war against the Confederates, the United States fishermen were admitted to certain privileges upon the system of licenses—annual licenses, and that system prevailed for several years until I think 1869. In 1870 the province of Prince Edward Island which up to that time had co-operated with the Government of Canada, adopting the same rate of license and in fact precisely following the course which Canada pursued—

HON. MR. MILLER—I overlooked stating that fact, but my hon. friend will recollect that all American fishermen did not take out licenses.

HON. MR. HAYTHORNE—That was a very good reason for abrogating the license system, but nevertheless the Americans fished in Canadian waters during those years, and enjoyed all the privileges which they had possessed under the Reciprocity Treaty. In the last year—the year to which this Minute of Council referred—1870, the Canadian Government ceased to issue licenses and the Government of Prince Edward Island, observing that the spring was approaching and the usual communication had not yet been received from Ottawa with reference to the course the Canadian Government intended to pursue, caused telegrams to be sent making enquiry as to what was to be done. They found that a different course was to be adopted by Canada. Meanwhile the same course was pursued in Prince Edward Island as had been followed in previous years. These things which had been carried on during all the period when licenses were granted continued to be carried on that year. The attention of the Imperial Government was called to it, and an attempt was made to put a stop to it in Prince Edward Island. We, on our part, considered that the system which prevailed was most advantageous to us. We were unwilling to part with our American customers. They had been good customers to us, and in dealing with them we were doing precisely what Canada has done in previous years. Being advised by the law officers of the Crown that in continuing to permit American fishermen to enter our ports in the manner we had done under the license system, we were contravening the terms of the treaty of 1818, we gave notice to the American Consul that United States fishing vessels could no longer be permitted to enter our ports for other purposes than those mentioned in that Treaty. That is how Prince Edward Island came to be carrying on this lucrative trade to which the hon. gentleman from Richmond refers. Doubtless he had not remembered that the same course had been pursued in Canada for several years. The hon. gentleman from Ottawa had in concluding his remarks of yesterday evening expressed himself with regard to the proper course to be pursued towards Canada and the United States on the matter of the fisheries, in very high flown language as I thought, but still I conceived that it did not very widely differ from that which had been expressed by the Executive Council of Prince Edward Island nineteen years before. Was it very unnatural that I should tell the hon. gentleman that if he perused a pamphlet I had placed in his hand he would find sentiments as liberal as those he expressed last night? They were sentiments that I am not ashamed of, and was not ashamed of then. I hold the same sentiments to-day. There is no doubt something to be said, from a national

point of view, against allowing American vessels to tranship cargoes in Canadian ports. Some importance has been attached to that. At the present time it may not be desirable to grant that privilege; but a single colony and a small colony like Prince Edward Island, at that time controlling herown fisheries, different ground to that taken by the Dominion. When we were representing the colony of Prince Edward Island it was our first duty to see to the interest of our own province : when we became members of the Dominion of Canada, while we do not lose sight of the interests of our province, we have also to consider the interests of the Dominion and if in some particulars we have to make a sacrifice of our provincial interests to those of the great Dominion, we have to do it with the best grace we can. We cannot carry everything our own way, and we have a fair claim to say this, that when we conducted our own fisheries we conducted them the best way we could for our own interests. When we became members of the Dominion of Canada we had to look to the Dominion to conduct those fisheries in the best way, and make those treaties which are necessary in regard to them on the best terms that can be had. In this minute which has been alluded to by the hon. member from Ottawa, and incidently by the member from Richmond, there is one paragraph which I wish to read, just because it is my answer to those who assert that the loyalty of the people is doubtful. I maintain that our loyalty is not dead, it is not even asleep.

HON. MR. MILLER—I maintain that, too.

HON. MR. HAYTHORNE—The Executive Council of Prince Edward Island make the following statement in the minute to which I have referred :—

"They assure Lord Kimberley that their fellow Colonists are enthusiastically loyal in their attachment to Her Majesty's person and family, and are notorious for their adherence to British institutions; their trade connection with United States citizens have not undermined their loyalty, nor persuaded them that better political institutions than their own exist elsewhere."

I have merely read what strictly confirms the assertion which I make that the loyalty of that Province and the loyalty so far as I know of everyone connected with it was unshaken. What we said then we repeat to-day and continue to affirm. One or two gentlemen who preceded me referred to receptions on various occasions of the British Commissioner. I had intended to say something on that point, and as some hon. gentlemen referred to the receptions in Canada and the United States, perhaps I may be permitted to refer to a very recent reception in England and I think perhaps the House will pardon me for asking them to listen to a few remarks made by Lord Granville on a very recent occasion, because more than one eminent Canadian is referred to in his remarks and they are interesting to all Canadians on that particular ground. On the 10th inst. a banquet was given to Mr. Chamberlain at the Devonshire Club, and Lord Granville was in the chair. If it were possible for Lord Granville or any of Mr. Gladstone's late Government to find substantial fault with Mr. Chamberlain's conduct as a Commissioner at Washington, or with his conduct in any way either as an individual or as having agreed to an imperfect or improper convention, those gentleman and several others who were there present—for instance, Mr. Childers and several more—would not have taken the opportunity of of expressing their approval of his course in the manner they did.

Lord Granville said :—

"It appears to me that if we make our observations this evening in close accordance with this sensible and practical language, we need not fear to aggravate the risk of non-ratification, which, I trust, has been exaggerated. (Hear, hear.) I have little doubt that the course most favorable to Mr. Chamberlain for me to take this evening would be to state all the criticisms which might be made against the provisions of this last Washington Treaty, and thus to give him, with his great powers of debate, and with the complete mastery which he must have obtained over a complicated question, an opportunity of making a brilliant reply. (Laughter and cheers.) But I cannot take that course. Mr. Chamberlain very properly stated at Birmingham a few days ago that he was precluded from going into the details of the negotiations, and it certainly would not be very becoming on my

part to run counter to that decision. I may be allowed to say that I understand that the principle on which he and his colleagues acted was to go as far as possible in the matter of friendly facilities to the vessels and fishermen of the United States as was consistent with what the Government of the Dominion deemed to be the undeniable rights of the colony. (Cheers.) It is satisfactory to me to have this opportunity of congratulating a late colleague—with whom I now differ, but with whom I acted loyally and cordially for several years—upon the near completion of his work in a matter upon which we are entirely agreed. (Cheers.) I cannot pretend, however, that I had not other inducements to be here.

Almost the strongest political convicton I have ever had has been the importance of good relations between the United States and this country, (cheers), whether as regards peace or war, or commerce, or the other innumerable interests interlacing one another which bind together two peoples now of different nationality, but of the same blood, origin and character. (Cheers.) One of the two matters on which I have been the most attacked during my now long public life was my share of responsibility for another Treaty of Washington, chiefly regarding the Alabama claims; and it happens to be one on which I look back with the greatest satisfaction as to its general results. (Cheers.) Whatever we may have thought at the time, or have thought since as to our then technical and legal position, it is impossible to overrate how the depredations of the Alabama at the time of a great national crisis had, not without cause, driven the iron into the souls of the Americans. (Hear, hear.) All previous attempts to settle the question had failed. We were well aware of the risk of stirring in the matter. But we resolved to make the attempt. A basis for negotiations was confidentially arranged with consummate tact by Sir John Rose. These negotiations were carried on by Lord Ripon, and Sir John Macdonald, supported by eminent men, whom the late Lord Iddesleigh patriotically joined, regardless of the political differences which separated him from our Government. We received invaluable outside aid from Lord Selborne. Attacks upon the whole proceedings were continuous with one remarkable exception, that of the late Lord Beaconsfield. It required no intellectual effort, but the moral strain was great to have to give the same answer night after night in the House of Lords to the most passionate appeals on behalf of the honor of the country for the breaking off of the negotiations. The result, in one sense, was the reverse of a diplomatic triumph, but it was a settlement satisfactory to the United States and perfectly consistent with the honor of our country."

That I think may be said confidently in the future. Perhaps there may be objections taken to it at the present time but I hope not. I hope party feeling will be sunk on this question and that patriotism will prevail, and that we may set a good example to our neighbors, the United States, in leaving politics out of the case where the peace and harmony of two great neighboring nations are so intimately concerned.

HON. MR. DICKEY moved the adjournment of the debate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (46) "An Act to amend the Act relating to the Manitoba & North-Western Railway of Canada." (Mr. Girard.)

Bill (15) "An Act to incorporate the Nisbet Academy of Prince Albert." (Mr. Ogilvie.)

Bill (62) "An Act to incorporate the Grenville International Bridge Company." (Mr. Ogilvie.)

Bill (50) "An Act to incorporate the Ottawa, Morrisburg & New York Railway & Bridge Company."

SECOND READING

Bill (90) "An Act to amend the Revised Statutes of Canada, chapter 181, respecting punishments, pardons and the commutations of sentences." (Mr. Abbott.)

The Senate adjourned at 10:40 p.m.

THE SENATE

Ottawa, Friday, April 27th, 1888.

THE SPEAKER took the chair at 3 o'clock p.m.

Prayers and routine proceedings.

THIRD READING.

Bill (22) "An Act to incorporate the Eastern Assurance Company of Canada." (Mr. Power.)

MERCHANTS MARINE INSURANCE COMPANY'S BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Banking and Commerce, reported Bill (11) "An Act to empower the Merchants Marine Insurance Company of Canada to relinquish its charter and provide for the winding up of its affairs," with certain amendments.

He said: The amendment which was made by the Committee is an alteration of Clause 4, as the Bill was sent to the Committee. It however contemplates having the same effect as that clause, but it is expressed, the Committee think, in a more desirable manner. As it came to the Committee there was a section in it which provided that the directors might declare the act of incorporation relinquished and the company dissolved. It is quite clear that a declaration of the directors would have no effect at all, inasmuch as it derives its existence from Parliament, and the authority of Parliament will be necessary to bring the existence of the company to a close. There is no alteration in the spirit of the clause; it is merely substituting for that clause more desirable and correct expressions. That is the only amendment to the Bill.

HON. MR. FERRIER moved concurrence in the amendments.

The motion was agreed to, and the Bill was read the third time and passed.

BRONSONS & WESTON LUMBER COMPANY'S BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Banking and Commerce, reported Bill (27), "An Act to incorporate the Bronsons & Weston Lumber Company," with certain amendments.

He said—The Committee have given a great deal of attention to this Bill, and I may remark that it is with the full concurrence of the gentlemen interested in the Bill, and those in charge of it in the other House and in this House, that these changes have been made. They are with the object of bringing the Act more fully into conformity with the general tenor of our legislation in these matters. The first amendment in the fourth section is rendered necessary, because, as the Bill came to the Committee, it provided that the Company might take stock in any other business, which was considered a very objectionable feature, and that clause was stricken out. The Company are only allowed to take stock in the business of other companies similar to their own. Clause "A" was rendered necessary to provide that the transaction there authorized should be carried out in a proper and uniform manner with those of other companies enjoying the same privileges. The insertion of the words, "by registered letter" is merely the insertion of an accidental omission. The 9th clause, as it came to the Committee, was to the effect that at any time after the passing of the Act the meeting of shareholders might be called by the provisional directors. This was thought objectionable, and the Committee thought it better to have it expressed that as soon as a proper amount of stock is subscribed and deposited in the bank, then the Company might go on with its organization. The last clause is entirely taken out and another substituted for it. What is substituted accomplishes the same object, merely varying the terms of the expression. As it came to the Committee it provided that the Company's Clauses Act, except clause 18, shall apply without incorporating it. The Company's Clauses Act does apply without legislation. The amendments may appear voluminous, but they are not very material, and they are made with the view of bringing the Bill into harmony with our other legislation.

HON. MR. CLEMOW moved that the amendments be concurred in.

The motions was agreed to and the Bill was read the third time and passed.

REPORTS ON PRIVATE BILLS.

TIME EXTENDED.

HON. MR. ABBOTT moved that the time limited for receiving reports on

Private Bills, which expires this day, be extended to Wednesday, the 9th day of May next.

The motion was agreed to.

NOVA SCOTIA TELEPHONE COMPANY'S BILL.

SECOND READING.

HON. MR. POWER moved the second reading of Bill (59) "An Act to grant certain powers to the Nova Scotia Telephone Company (limited)."

HON. MR. McCLELAN — Before this Bill is read the second time, I desire to call the attention of the promoter of it to the fact that while it is a Nova Scotia Bill, it also confers rights to extend it into the Province of New Brunswick, and I wish to call his attention to the further fact that a year ago—the session before this last one in the Province of New Brunswick, a similar charter was granted there, to the New Brunswick Company, and it may be that powers conferred before this enactment will conflict somewhat with the privileges already secured by the New Brunswick Company, and it may therefore be necessary to prevent a conflict of power and perhaps a good deal of litigation, that some clause be added to this Bill stating the fact that it shall not conflict with the privileges already conferred by the local Legislature of New Brunswick.

HON. MR. POWER—As I understand this Bill, it is the outcome of a negotiation between the Bell Telephone Company and the Nova Scotia Telephone Company. The latter had a charter from the Nova Scotia Legislature authorizing them to do business in Nova Scotia. The Bell Telephone Company were also doing business under their charter. The Nova Scotia Company have bought out the Bell Telephone Company's rights in Nova Scotia, and New Brunswick also; and, as I understand, the principal object of this Bill is simply to enable the Nova Scotia Telephone Company to utilize the property which has been transferred to them by the Bell Company. Of course if the Bill needs amendment, it can be made in the Committee on Railways, Telegraphs and Harbors.

HON. MR. ABBOTT—I imagine that the hon. members at this stage have not the facts before them to debate the Bill, and I think it would be better to allow it to take its second reading and go to the Committee to be investigated there.

HON. MR. McCLELAN—I do not desire to prevent the reference of the Bill to the Committee but I thought it only proper to call the attention of the hon. gentleman who has it in charge to the fact.

The motion was agreed to, and the Bill was read the second time.

MONCTON HARBOR IMPROVEMENT BILL.

SECOND READING.

HON. MR. POIRIER moved the second reading of Bill (83) "An Act to amend the Act to incorporate the Moncton Harbour Improvement Company."

The motion was agreed to and the Bill was read the second time.

NISBET ACADEMY BILL.

SECOND READING.

HON. MR. VIDAL, in the absence of the Hon. Mr. Ogilvie, moved the second reading of Bill (15) "An Act to incorporate the Nisbet Academy of Prince Albert."

He said—I might say in explanation that this Bill contains no new or unusual provisions. It is simply for the establishment of a college in the North West Territories, and comes under the jurisdiction of this Parliament. The provisions are merely for the establishment and proper conduct of that institution.

HON. MR. POWER—I do not know whether the attention of the leader of the Government has been directed to

this Bill. It is a measure as to which the same question arises that arose in relation to the Bill that the hon. gentlemen had read the second time yesterday, only the question in this case I think arises in a clearer form. This Bill provides for the establishment of an educational institution in one of the territories, Assiniboia I think, and education is a matter which is left to the local Legislatures.

HON. MR. VIDAL—In the Provinces.

HON. MR. POWER—The question is—I am not prepared to answer it myself—whether under our Constitution the territorial legislature is not the proper authority to deal with a subject like this. I do not know whether the attention of the leader of the House has been directed to it or not, but it is a subject of some consequence, because education is purely a matter over which the local legislature has jurisdiction.

HON. MR. VIDAL—I should not have ventured to make the statement that it was within the jurisdiction of the House if it had not consulted with the leader of the Government and obtained his opinion to that effect.

HON. MR. ABBOTT—My attention has been called to the point which the hon. gentleman from Halifax has raised, and I may say that while it is quite true that the Lieut. Governor in Council may make certain rules with regard to legislation on educational matters, there is no exclusive authority with the Lieut. Governor in Council to make such provision and I consider that the Dominion Parliament is not ousted in its jurisdiction for making any regulation legislation which it may think proper for those schools. I fancy we shall have a debate on this question ultimately in connection with this as well as the other charter before the House, and as we want to get on with our fisheries debate, perhaps it would be as well to let this Bill take its second reading with the understanding that it does not compromise the House in any way and we will discuss it more fully at another stage.

The motion was agreed to, and the Bill was read the second time.

MANITOBA AND NORTH-WESTERN RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (46) "An Act to amend the Acts relating to the Manitoba and North-Western Railway Company of Canada."

He said—This is certainly a very important line—one of the most important which has had its existence in the Province of Manitoba, and, with the Canadian Pacific Railway, is extending the line of civilization not only throughout Manitoba, but, I may add, without fear of contradiction, throughout the whole of the North-West Territories. The proposed amendment is not very extensive. It was provided by the charter of the company that they should construct 50 miles of their road each year; and as at the present time the demands of trade do not require so much, the company ask by their Bill that instead of 50 miles a year as provided by their charter they shall construct only 20 miles.

The motion was agreed to and the Bill was read the second time.

SOUTH-WESTERN RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MCKINDSEY moved the second reading of Bill (54) "An Act to incorporate the South-Western Railway Company."

HON. MR. POWER—I think it ought to be understood that in allowing the second reading of this Bill to take place without any explanation, no member is committed to the Bill.

HON. MR. MCKINDSEY—I have moved the second reading without explanation, which can be made at another stage, in order that the debate on the Fisheries Treaty may be allowed to go on.

The motion was agreed to, and the Bill was read the second time.

DETROIT WINTER RAILWAY BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. TURNER, in the absence of the Hon. Mr. Sanford, moved the second reading of Bill (31) "An Act to incorporate the River Detroit Winter Railway Bridge Company:"

He said—As hon. gentlemen are aware, there is sometimes great difficulty in a steamer crossing the Detroit river in the winter months, and the intention of the Company is to build a bridge in such a way as not to interfere with the navigation of the river.

The motion was agreed to, and the Bill was read the second time.

THE FISHERIES TREATY.

DEBATE CONTINUED.

The order of the day having been called,

Resuming Debate on the motion of the Honorable Mr. Abbott for the Second Reading (Bill 65) Treaty between Her Britannic Majesty and the President of the United States.—Honorable Mr. Dickey.

HON. MR. DICKEY said:—When I moved the adjournment of the debate last night I did not intend nor do I now to occupy for long the attention of the House. At the same time, coming as I do from one of the Provinces most deeply interested in this measure, I feel that my silence might be misconstrued, and I rise to contribute my mite of information to the discussion on this measure. I do not propose to follow my hon. friend from Ottawa in the discussion of the tariff or the wrecking law, but I shall confine myself as nearly as possible to the treaty itself and to the ratification of it as asked for in this Bill, and I shall do so confining my observation within the shortest possible limits. Referring to the Treaty I regret that my hon. friend from Ottawa has undertaken to make some unfounded observations upon the conduct of Mr. Chamberlain one of the Commissioners, and I feel it my duty to remind the House that from examination of the results of the convention as well as from the testimony given by Sir Charles Tupper, his co-commissioner, I think we must be all satisfied that that gentleman gave a loyal and conscientious support to the claims of Canada on that Commission. If a tithe of what has been stated against Mr. Chamberlain were true, it is most fortunate that our interests were peculiarly represented by Sir Charles Tupper. My hon. friend in discussing this measure I am sorry to say has viewed it exclusively from a party standpoint and he has not confined his objections to the Bill but has gone further and attacked the conduct of the Government in reference to the the protection of these fisheries by stating that one of the chief causes for expecting that the treaty would be rejected by the United States' Senate was the irritation produced by the harsh measures adopted by the Government of Canada. The facts are these: That the Treaty of 1818, as contended by my hon. friend from Ottawa (and I agree with him), was not enforced, except for a short period—for six years—during the last thirty years, and the reason for that is obvious. During a large portion of that time the Treaty of 1818 was subject to the modifications of other treaties which interfered with any steps being taken to prevent parties enjoying the use of those fisheries: I allude now more particularly to the Reciprocity Treaty and to the first Treaty of Washington. I may tell my hon. friend however that he is under a wrong impression if he supposes those were the only years in which the treaty was enforced. For many years previous to the Reciprocity Treaty there were frequent seizures and some condemnations of vessels in the Vice Admiralty Court of my own Province. The result of that was that it created some friction and irritation, and led to some correspondence which resulted finally in the adoption of the Reciprocity Treaty of 1854, and, I may say to the House, as a fact that has not been adverted to by any previous speaker that it is a singular coincidence that all those three treaties came to an end in consequence of action taken by the United States Government, and the termination of them was in no way the result of anything done by this country. I will show before I sit down, I think, that so far

from these treaties being from time to time cancelled or abrogated by conduct of ours producing irritation owing to the manner in which the treaty was enforced, it arose from entirely different causes. I will take the first treaty—that of 1783. That treaty gave to the citizens of the United States privileges in our coast waters in common with the inhabitants of Canada. It did not stop there: It did more than give to the people of the United States privileges which we had ourselves. It gave them the privilege of landing and curing their fish upon the coasts of the various provinces of Canada. That treaty was, perhaps fortunately for us, abrogated by the war proclaimed by the United States against England in her death struggle on the Continent in 1812, so that the abrogation of that treaty was due entirely to acts of the United States Government and people. It is, perhaps, some little consolation for all the misery and suffering caused by that war that the result was the abrogation of a treaty which would have placed us in a very false and invidious position as regards the waters and soil of the Dominion of Canada. Had it not been for that we should possibly be to-day in the position that we occupied previous to 1812 and we should have the singular spectacle of finding all our waters open to citizens of another country having all the privileges that we possess ourselves. So with regard to the treaty of Washington. That treaty continued for about twelve years and was then put an end to by a notice given, which the United States Government were perfectly entitled to give according to the terms of the treaty at the expiration of the time. They gave a notice at the earliest moment for the abrogation of that treaty, but with regard to the Reciprocity Treaty, the circumstances are somewhat peculiar and I may mention to the House how that treaty was annulled. It was not abrogated in consequence of any harshness or supposed injustice on the part of our Government, who were simply acting upon our treaty rights. During a portion of the time I believe my hon. friend from Ottawa was a member of a Government which held power for five years, and it is just to that Government to say that the abrogation of the treaty was in way due to any harsh conduct on their part but solely owing to the fact that notice was given by the United States Government to punish the people of this country for the sympathy they had extended toward the south in the unfortunate civil war. I am in a situation to give the very best possible evidence of that, because it became my duty some twenty odd years ago to proceed to Washington for the purpose of endeavoring if possible to see if anything could be done to allow our Nova Scotia coal to be admitted on terms of reciprocity if nothing else would be. I had a letter of introduction to the late lamented Chas. Sumner who received me with the utmost kindness and consideration. In the course of our various conversations Mr. Sumner stated to me in the frankest manner: "Of course you know I am Chairman of the Committee on Foreign Relations and I can tell you that notice for the abrogation of the treaty was written with my own hand and I will tell you further it was done to punish your country for the sympathy you extended to the South in the late rebellion." That is a historical fact which I feel perfectly justified in stating in my place here although during the lifetime of that eminent man, whose premature death was a matter of regret to the whole civilized world, I felt it right to keep my mouth shut on the subject. I made no mention of it at all, except to my intimate friends in my own country, but it is a fact well known in Washington at this day that that was the sole cause of the treaty being abrogated. But for that fact, possibly it might have been in force to-day, and we should not have been troubled with these various controversies about commercial union and unrestricted reciprocity. We should have been living, no doubt, this day under the reciprocity treaty of 1854. There was no mention made in those times of the tens of thousands of Canadians who had spilled their blood on the banks of the Rapahannock and Mississippi, in the wilderness, and among the mountains of Tennesse, but because some outspoken people in Canada expressed sympathy in favor of the South, these touchy and high-spirited people

resented it in that way, and, as a matter of fact, that was the sole cause of that treaty being abrogated. My hon. friend told us yesterday that he approves of the concessions which have been made to the United States in this treaty, and there I agree with him, but I cannot agree with him when he goes further, and expresses regret that those concessions were not more general. It is only two months ago since the hon. member denounced this treaty as a surrender of the rights of Canada, and I am glad that his second, sober thought has brought him to a different conclusion altogether. In that conclusion I entirely concur with him. I approve of these concessions, and I think the treaty we are now discussing is one alike honorable to both countries. I do not wish to import into this discussion anything that will give rise to further debate. I will give credit where credit is due, and at the same time where there is a difference of opinion I shall endeavor to express it in a manner that will not provoke controversy. So far as this treaty is concerned these concessions put us in a different position from what we were asked to be placed in when the matter was submitted in 1886. Then the utmost that was spoken of was the concession of our right to control the fisheries within bays exceeding six miles at the mouth. Well, gentlemen, thank you for nothing; we had that already. The limit on each side of three marine miles would cover the whole entrance of each bay, but by this treaty we have an enlargement of that and I find that Mr. Bayard, who certainly deserves a great deal of the credit attached to the making of this treaty dropped that principle and proposed as a modification of it that the width of the various bays should be extended to ten miles instead of six. That is a step in advance. At the same time he suggested in his protocol that he submitted other things which were not quite so agreeable and he asked that these provisions should be adopted as a whole as a tentative measure to take the place of the existing law until a definite arrangement could be made between the two countries, as I shall show presently by quoting the documents themselves. Speaking as regards these bays I have mentioned those which under the treaty are admitted as being within the jurisdiction of this country. We have altogether, besides that expansion of the principle which the Americans were willing to concede twenty years ago, a list of some ten bays which are placed beyond the catagory of ten miles or any distance at all, because all these bays are laid down as bays which are under the control of Canada and some of them in which the Americans formerly claimed at all events to have fishing rights. Among these bays are the Baie des Chaleurs, Egmont Bay, Miramichi, St. Annes, etc. All these ten bays are placed within that catagory without regard to their width, while in six of them the line of delimitation is to be three miles seaward from headland to headland. The Placentia Bay alone I imagine is somewhere about twenty miles wide. When we are told that we received no concessions I do not wish to go into the point at all, but it is only fair to the Commission that it should be known that those bays are secured to us, and it is fair to the American Commissioners to feel and to know that they were never willing to consent that we should have the exclusive right, certainly not to any greater extent than bays six miles wide. I may perhaps be permitted to say with regard to the Chief American Commissioner, Mr. Bayard, that he has fully sustained his hereditary name by the chivalrous courtesy which he exhibited in discussing all these international questions, and in yielding only where he could not get a better bargain for his country, and at the same time consenting where he could not honorably help himself by yielding to the claims that were pressed upon him by the Commissioners from England and Canada. As regards the other American Commissioner, I have had the pleasure of a long acquaintance with him. Although he came from the State of Maine and was supposed to advocate the interests of Maine and Massachusetts on that Commission, he acted in a high-minded manner and approached every matter connected with these international proceedings in a judicial spirit. Something has been said of what was proposed by Mr. Bayard in 1886. I

have his letter and his protocol here and I shall ask leave of the House to call attention to one or two paragraphs of that protocol. It asks that this shall be one of those arrangements which are to modify the Treaty of 1818 for all time until a definite arrangement can be arrived at. Article four is as follows :—

The fishing vessels in the United States shall have in the established ports of entry of Her Britannic Majestry's Dominions in America, the same commercial privileges as other vessels of the United States, including the purchase of bait and other supplies; and such privileges shall be exercised subject to the same rules and regulations, and payment of the same port charges, as are prescribed for other vessels of the United States.

Now you will see that an enormous stride was made in the demands of the United States. They demanded concessions entirely outside of the Treaty of 1818—far away beyond it. Article 5 is as follows :—

The Government of Her Britannic Majesty agree to release all the United States' fishing vessels now under seizure for failing to report at Custom Houses when seeking shelter, repairs or supplies, and to refund all fines exacted for such failures to report. And the High Contracting Parties agree to appoint a Joint Commission to ascertain the amount of damage caused to American fishermen, during the year 1886, by seizure and detention in violation of the Treaty of 1818, said Commission to make awards therefor to the parties injured.

That is another stride that was taken towards getting full control of our fisheries. Not satisfied with that they wanted to have a joint control of the seizures with our own Government and our own officers. Article 3 is as follows :—

For the purpose of executing Article I of the Convention of 1818, the Government of the United States and the Government of Her Britannic Majesty hereby agree to send each to the Gulf of St. Lawrence a national vessel, and also one to cruise during the fishing season on the southern coasts of Nova Scotia. Whenever a fishing vessel of the United States shall be seized for violating the provisions of the aforesaid Convention by fishing or preparing to fish within three marine miles of any of the coasts, bays, creeks, and harbors of Her Britannic Majesty's dominions included within the limits within which fishing is by the terms of the said Convention renounced, such vessel shall forthwith be reported to the officer in command of one of the said national vessels, who, in conjunction with the officer in command of another of said vessels of the different nationality, shall hear and examine into the facts of the case. Should the said commanding officers be of opinion that the charge is not sustained, the vessel shall be released. But if they should be of opinion that the vessel should be subjected to a judicial examination, she shall forthwith be sent for trial before the Vice-Admiralty Court at Halifax. If, however, the said commanding officers should differ in opinion, they shall name some third person to act as umpire between them, and should they be unable to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the umpire.

So, that unless the officer commanding the United States vessel agreed that the case should be tried at Halifax, the vessel went scot free. No doubt these proposals were made by Mr. Bayard in perfect good faith. He naturally wanted as much as he could get on behalf of his own people, but I do say that the adoption of those propositions would have been most degrading to the people of this country, and it is fortunate that on considering these propositions made only a year before the meeting of this convention, the proposals were made by a gentleman who was perfectly conscious of the responsibility that rested upon him in this matter, and who was prepared to discuss the subject and come to an honest conclusion, which was done in the Bill now before the House. Under those circumstanes, this treaty comes before us, and I do say that I hail it as a measure of peace and concord between the two great English-speaking nations of the earth.

If, unfortunately, the anticipation of my hon. friend from Ottawa should prove correct, and this treaty should not be ratified, we will at all events have this advantage—that there will be placed upon record the conclusions of the convention, which will furnish a starting point in all future negotiations, a starting point as regards various principles which no gentleman acting as Plenipotentiary, under a proper sense of his responsibilities, could refuse to accede to. Under these circumstances, I think we may well congratulate ourselves that we have arrived at the conclusion which we have. I frankly admit we have made concessions. Undoubtedly we have. How otherwise could we have got to any

reasonable compromise without concessions on both sides. In doing that we have secured a measure which, I trust, will meet with the approbation of both Houses; and, at all events—it having already received the approbation of the House of Commons—I do trust it will commend itself to the good sense and good feeling of the Senate of Canada.

HON. MR. POWER—I think it is perhaps only fair that some voice should now be raised in opposition to this treaty. From the time that the debate was opened by the Leader of the House until the present moment every speaker has declared himself in favor of the adoption of the treaty, and I may express my regret that, under these circumstances—as all the speakers have been in favor of adopting the treaty—there should still have been imported into the discussion an amount of temper which I am thankful to say is not very usual in this House. I was much pleased—as I suppose almost every hon. gentlemen was pleased—to hear the voice of the hon. gentleman, from Richmond once more in this Chamber. It is now some five years since we have had the pleasure of listening to that hon. gentleman making a speech of any length, and we were very glad to hear him once again. Those of us who had been in the habit of hearing him in former years were glad to hear him again, and members who have only been a short time in the House were I know pleased to hear him speak for the first time. But I feel that I may be allowed, without at all assuming to criticise in an improper way the conduct or the language of any member, to express my regret that the hon. gentleman from Richmond should have permitted himself to adopt a tone with respect to the hon. gentleman from Ottawa, which I think was very much to be deplored. The hon. gentleman from Ottawa expressed views with respect to this treaty which are not at all the same as those which I entertain; still the hon. gentleman did it in a courteous and parliamentary way; and I do not think that there was anything in his speech to call for the strong terms of reprobation which were dealt out to him by the hon. gentleman from Richmond; and I have no doubt that that hon. gentleman, on thinking over the matter, probably feels now that his language was stronger than was necessary—that he allowed himself to be carried away into using stronger language than his deliberate judgment would approve.

I expressed an opinion on this treaty at the opening of Parliament. Some hon. gentlemen rather criticised me for having done so, and perhaps I was mistaken in so doing; but I have not seen any reason to change the views which I then expressed. I think that the treaty does not really amount to very much one way or another. It is not all bad; but on the whole the balance of advantage does not rest with us, and I think that it would be better for Canada that this treaty should not be ratified.

I do not propose to go into the history of this matter at any length; but we have to talk a little of the history in order to judge whether or not the bargain that we have made is a good one. What was the position of things at the expiration of the Washington Treaty? It was this: we were thrown back on our rights under the treaty of 1818. The Washington Treaty expired on the 30 June, 1885. It was the duty of the Government, seeing that this treaty was to expire in 1885, to have taken early steps to provide some arrangement for a *modus vivendi*, or for some satisfactory condition of things which would begin when the Treaty ended. That was their duty, irrespective of the Imperial Government altogether; but what is the fact? The fact is that the Imperial Government, in the month of May, 1883, almost immediately after the American Government had given notice of their intention to abrogate the fishery clauses of the Washington Treaty, sent a despatch to the Government of Canada asking them for their views as to what was to be done upon the expiry of the fishery clauses of the Washington Treaty. This Government did nothing. That is the general rule I believe—that the leader of the Government never does anything when he can possibly remain inactive. His motto, as everybody understands, is not to do to-day what can be put off until to-morrow, even though the putting off

involves serious consequences. The Imperial Government, at the end of 1883 or beginning of 1884, sent a further despatch to the Government here urging them to take some steps in this matter. Still nothing was done; and nothing was done during the whole of 1884 by the Government of Canada. At length, in response to a final despatch received somewhere in the beginning of 1885, this Government did begin to act; and what did they do then? Having done nothing for nearly two years, the Government of Canada said then "It is too late for us now to do anything; we have not time to negotiate, we shall propose that the United Stat s fisherman shall enjoy a season's fishing for no consideration whatever." I am rather surprised to find from the correspondence whcih is laid on our table in this blue book, that the Government of Canada seem to have thought that they had done a very clever thing when they had done that. The Committee of the Privy Council in August 1885 say:—

"The Committee desire to state to your Excellency that such arrangement is perfectly satisfactory; and they further beg to express their high appreciation of the able manner in which Her Majesty's Minister at Washington, Sir Sackville West, conducted the negotiations."

Now, in as much as the negotiations had for result the giving up by Canada of a season's fishing for nothing, one can hardly see that it required any great skill or ability on the part of the British Minister at Washington, or that there was any reason for the Privy Council to congratulate him on his distinguished services in giving away our fisheries for nothing for a whole season. What was the natural effect of this conduct of the Dominion Government? The Dominion Government gave up to the United States' fishermen, without any consideration, the fishing from the first of July, 1885 to the end of that season, which would probably be about the beginning of November. They not only gave it up; but they expressed satisfaction at the giving of it up, and congratulated the British Minister at Washington on being able to arrange with the American fishermen to come into our waters and fish without compensation. The natural effect was to make the United States Congress and fishermen think that it was not the intention of the Canadian Government to enforce their rights under the Treaty of 1818 at all. The conclusion would naturally be that those rights which were given up for nothing were of very little value, or that the Dominion Government doubted whether those rights really existed; and it would certainly leave the impression on the minds of the fishermen of the United States and the politicians of that country that, as I have just said, the Government of Canada did not propose to enforce their rights under the treaty. I have always felt that that was a grave blunder on the part of this Government. It is said that this was done with a view of promoting good feeling. My theory as to the best way to promote good feeling between nations, as well as between individuals, is that each nation shall maintain its own rights, while it respects the rights of others. That was the position of affairs at the close of the year 1885. I think that this Government had made a grave mistake in giving up a season's fishing for nothing; and that they had been guilty of neglect of duty in not acting on the suggestion of the Imperial Government and taking some steps to provide for a state of things which was to come into existence at the expiration of the treaty.

I feel bound to say that after the close of the fishing season of 1885, the conduct of the Dominion Government does not, in my humble opinion seem to be open to any very serious condemnation. This is the opinion which I ventured to express at the beginning of last session as well as at the beginning of this. The Dominion Government having got in motion, did act pretty energetically and promptly. They fitted out a reasonable number of cruisers, and they issued instructions to the captains of those schooners and caused warnings to be issued to United States fishermen; and that was the way the season of 1886 was begun. During that season, the rights of Canada were vigorously and rigidly enforced, and the United States fishermen did not like it. I suppose they

liked it so much the less, because they were taken by surprise. The fact that they had been allowed to fish without any interference the previous season caused them to feel the more surprised and exasperated when the rights of this country were vigorously asserted in 1886. The conduct of the Government in 1886 I have always, taken as a whole, approved of; and I may say that the leader of the Government in opening the discussion on this Bill was hardly justified in saying that the Opposition had accused the Government of not enforcing our rights. There may have been occasional statements of that sort made by irresponsible persons and irresponsible writers in opposition newspapers; but I do not think there has been any statement of an authoritative character made on behalf of the opposition that the Government had not properly enforced the rights of Canada. I may say, while admitting that the conduct of the Government, on the whole, was worthy of commendation, that it does appear from the correspondence that, while the enforcement of our rights to the fisheries and our rights to exclude foreign fishing vessels from our waters under the fishery treaty of 1818 was proper, the enforcement of the customs regulations against United States fishermen was in some cases a little harsh. Those regulations were in a few cases enforced in a way that I think led to exasperation that was only natural; but I do not say that the Government were altogether wrong in endorsing the action of their officers on those cases. Still, I think, where a vessel came in to let a man go ashore, that it was a mistaken policy to seize the vessel. There were several cases where vessels were seized by the local officers, and afterwards released under instructions from Ottawa. In some cases there was a little too much zeal on the part of local officers, but it was always in carrying out the Customs regulations and not in enforcing our exclusive fishery rights under the Treaty of 1818. I wish to say, and I regret to be obliged to say it, that I am not able to concur in the view expressed by the hon. gentlemen from Ottawa as to the line of conduct that we should have adopted on the termination of the Washington Treaty. We did adopt his line for six months, and the result was unsatisfactory in the extreme. The hon. gentleman spoke of the comity of nations. I think the comity of nations in a very good thing, but I think justice and the maintaining of our own rights are better things. We should uphold our rights and respect the rights of others. A one-sided comity is not a desirable thing. While the hon. gentleman tells us we should have exercised the comity of nations—not the comity of nations, but something stronger than that — towards United States fishermen on the Atlantc coast, the same Government under whose licenses those fishermen were sailing, were seizing our fishermen in the open sea in the North Pacific hundreds of miles from land, bringing their vessels into port and confiscating them, with only the slightest pretense of legal right to do it. I do not myself believe in that one-sided sort of comity. If our friends to the south of us display reasonable comity to us, we should be prepared to reciprocate and do a little better, but I do not think that all the comity should be on one side. No doubt the United States fishermen thought that the conduct of our cruisers and of the officers in our ports was exasperating, but the conduct of their cruisers and officers in the waters of the Pacific was much more exasperating. The exasperating conduct on the part of the United States was not confined to what was done in Alaska; because under the Washington Treaty which had just expired, they had contrived to render some of its provisions almost nugatory by most unfair devices. That Treaty provided that our fish, preserved as well as fresh, should go into the United States free of duty. The United States authorities got over that provision by putting a duty on the packages in which the fish were contained. Could anything be smaller, more exasperating and more opposed to the comity of nations than that? Then they tried to impose a duty on seal oil, on the ground that the seal was not a fish. It is perfectly true that the seal in strict language is not a fish; but the intention of the negotiators of the treaty was that seal oil should be admitted free. It is a very good thing to

be Christian and to be philanthropic, but I doubt if Christian philanthropy is the best quality that a Government can possess when dealing with a people and a Government like those to the south of us. It might be better to possess other qualities.

HON. MR. MCINNES (B. C.)—Which serve a better purpose.

HON. MR. POWER—Amongst the extracts which the hon. gentleman from Ottawa read, was a letter of a collector of a port in Maine who had not for a number of years—some thirty years, I believe—seized a Canadian vessel. But the hon. gentleman must remember this; that our fishermen did not want to go and fish on the coast of Maine. Why should a vessel be seized there? The Americans had no fish that we wanted to catch. The reason why those United States vessels were seized on our coast was to prevent them from fishing in our waters; and, as our vessels did not want to fish on the coast of Maine, there was no reason for seizing them, such as existed in the case of American fishermen on our coast. I think the hon. gentleman qualified what he said by saying that he put the case as it appeared to the people of the United States. That is, of course, one way of looking at it; but, on the whole, it would have been better not to have taken that view, because my hon. friend must have seen, if he had read the reports of our officers on the complaints of those United States fishermen, that in nearly every instance the complaint proved to be unfounded. I think that we should cultivate the most friendly relations with our neighbours to the South. I admire their enterprise, their intelligence and their hospitality as much as any man can admire them; but there is one thing I cannot do—I should not be prepared to believe that anything was a fact on the ground that it had been stated by an United States fisherman. That may sound rather unchristian and uncharitable; but if hon. gentlemen had been present at the sitting of the Commission under the Washington Treaty in Halifax, in the summer of 1877, they would have formed a very low estimate indeed of the reliability and veracity of the United States fishermen. American witnesses by the score were proved there, under the cross-examination of the British Consul, to have told the most outrageous falsehoods, and made statements with hardly a shadow of foundation. Undoubtedly the statements that have been made in connection with the present difficulty were just the same kind of statements which came before that Commission. It seems to be forgotten, when urging that we should open our fisheries to the United States fishermen—that we should do that and let them fish alongside our fishermen, —that it is a neighborly and proper thing to do, that the United States Government collect a duty of $2 a barrel on our fish, and that surely our fishermen cannot be expected to compete successfully in the United States market with rivals who have a bounty of $2 a barrel. The only way in which our fishermen could be put in a position to compete with those of the United States is to give them certain advantages over their rivals, and those advantages were given by the vigorous enforcement of the Treaty of 1818; and the consequence of that enforcement has been that the American catch of mackerel and other fish has fallen off considerably, with the natural consequence that the price of fish has been increased to our fishermen. The Finance Minister laid great stress on the strong feeling of hostility to Canada that existed in the United States in consequence of our enforcement of our rights under the Treaty of 1818; but hon. gentlemen must not be led away by what they see in the newspapers and by what they hear. There is a good deal of feeling amongst the fishermen of New England: there is a certain amount of feeling amongst the politicians at Washington who are anxious to capture the votes of the fishing population and of the Irish population; but amongst the great body of the people I am satisfied that there is practically no feeling at all in connection with our enforcement of our rights under the treaty. Once you get away from the politicians who are pandering, if I may use the expression, to the Irish vote, and from the New England fishing population, there is really very

little feeling on this matter in the United States. I am sorry to be obliged to differ from the hon. gentleman from Ottawa and from the Finance Minister upon this point; still I think it only right that I should express my dissent. We enforced our rights during the season of 1886. As a rule, we did not enforce them in any improper way. There were certain instances where the strict letter of the law need not have been applied, where a little more good feeling and a little more consideration for human nature would have been better; but, on the whole, we enforced nothing but our rights; and the United States, or a large proportion of the politicians of the United States, and the friends of the New England fishermen made a great ado about it, and much official correspondence ensued. That correspondence—a large portion of it at any rate—is contained in in the blue book which most hon. gentlemen have before them, I presume. I have gone over a great deal of that correspondence with, I hope no undue bias in favor of those who carried on the correspondence on behalf of Canada; and, as far as my humble judgment goes, I think that any unbiassed reader of that correspondence will feel that both as to the law and as to the facts Canada had decidedly the better of the dispute.

HON. GENTLEMEN—Hear, hear.

HON. MR. POWER—And more than that, in most of those cases the opinions of our Government were submitted to the Imperial Government; and in every instance, or almost every instance the action of our Government was approved—at any rate ratified, by the Imperial Government; and I think under those circumstances we have no reason to be dissatified with the conduct of our Government. I do not propose to read at any length from that correspondence; but I think that the report of the Minister of Marine and Fisheries in the case of the "David J. Adams" which begins at page 76 of the blue book, and the report of the Minister of Justice on the same subject which begins at page 144, will be recognized by every one as being admirable state papers, and establishing very successfully the case of the Canadian Government on most of the points at issue. At the close of the fishing season of 1886, the American Government, notwithstanding the exasperation which we are told existed throughout the whole country—told by the Minister of Finance in very strong language—made proposals for a readjustment of the existing state of things. They became anxious for a settlement. I do not propose to deal with those proposal at any length. I may say that, after a good deal of correspondence had taken place, the views of the United States on this fisheries question were embodied in a despatch of Secretary Bayard, dated 15th November, 1886. This despatch will be found at page 177 of the blue-book, and I shall have occasion to refer to it hereafter. The views of the Canadian Government on Secretary Bayard's proposal are to be found at page 214 of the same blue-book; and I may briefly say that the Canadian Privy Council declare that the proposals of Mr. Bayard are not acceptable.

HON. MR. BOTSFORD—And give the reasons.

HON. MR. POWER—Yes, and they give the reasons. That was the position of the Government at the close of the year 1886. Last session hon. gentlemen will remember that the supporters of the Government were most vigorous and energetic in their approval of what had been done by the Government; and the Finance Minister used the very strongest language on the subject. He stated, in reply to the threat coming from the United States, that they would pass measures to put an end to commercial intercourse between that country and this—and I could not help admiring his boldness—that we were prepared to meet that state of things; that, on the whole, perhaps it was better that that state of things should come, because it would teach us to rely upon ourselves, and would serve our own railways and harbors, and that after awhile we should do very well without the United States. That was the attitude assumed last session by the supporters of the Government, but before the close of the session the Finance Minister had some correspondence with Mr. Bayard, Secretary of State

for the United States, and that correspondence has been submitted to us. That correspondence taken in itself is of a very satisfactory nature. Any one who read Mr. Bayard's letters would come to the conclusion that that gentleman was not only anxious that the trade relations between this country and the United States should be put upon a different basis—that the element of reciprocity should enter largely into our trade relations—but that he expected to be in a position to carry out his own views and wishes on the subject. The Minister of Finance, who had been just about that time making our protective tariff much more protective, expressed his strong sympathy with the desire of Mr. Bayard to have freer trade relations between the two countries, and went to Washington, as he tells us, and had interviews with the American statesman. I can only say that I can readily understand, after the correspondence which had taken place, the grave disappointment which Sir Charles Tupper must have experienced when the plenipotentiaries met at Washington last November and when the British Commissioners were met on the very threshold of the negotiations by a distinct refusal on the part of the United States plenipotentiaries to deal with the trade question at all, the reason given being that this was a matter that came within the jurisdiction of Congress and with which the Executive could not deal. That was a very cogent reason; but it strikes me that it was the duty of Mr. Bayard, when he found that that state of things did exist, to have acquainted the British Plenipotentiaries with the condition of things, before the conference began. I cannot help feeling that Sir Charles Tupper or the Government should have been made aware that the American Government were not prepared to deal with the trade question at all. We have now got down to the time when the conference began, or nearly so; and if I may be allowed to say a few words as to the circumstances under which this treaty was negotiated, I shall point out one or two circumstances which, I think, were unfortunate. I do not wish to be understood as attributing any serious blame to the Government of this country in connection with the matter, but I think that the time for making the treaty was not well-chosen. It does not seem to me that there was any necessity—any urgent necessity—for making a treaty or attempting to make a treaty just when the attempt was made; because it will be observed that although difficulties had frequently occured during the fishing season of 1886, comparatively few difficulties occurred during the season of 1887; and the reason was that the Dominion Government, as I understand it, during the latter season, while enforcing our rights under the treaty of 1818, did not enforce as rigidly and with as little consideration for the merits of individual cases, the customs regulations which had caused so much ill-feeling during the preceding year. So that I do not think there was any urgent necessity for making the treaty at the time it was made. The time was ill chosen because it was within the year previous to the Presidential election in the United States; and everyone admits that it would be difficult to get a Republican majority in the Senate of the United States to ratify any act of the President, no matter how good it might be, for fear that such ratification would assist the Democratic party in the election in November. I think for that reason the time was ill chosen; and then, notwithstanding the very vigorous language which has been used by some hon. gentlemen here, the selection of the British plenipotentiary was not a wise one. It may be an unfortunate thing that what may be called the local politics of Great Britain and Ireland should interfere with Imperial negotiations, but the fact is there just the same. The Imperial Government could not have selected a man out of the House of Commons or the House of Lords who would be more obnoxious to the Irish people.

HON MR. ALMON — How would William O'Brien have answered?

HON. MR. POWER — If my hon. friend and colleague has nothing of more consequence to interject than a remark of that kind, it would be better to let me proceed.

HON. MR. ALMON—Then why do you abuse Mr. Chamberlain?

HON. MR. POWER—I am not abusing Mr. Chamberlain. I appeal to hon. gentlemen as to whether I am abusing anyone. I am simply stating that Mr. Chamberlain had by his conduct made himself more obnoxious than any other man in the British Parliament to the Irish people, in the old country, in the United States and in Canada. I am not saying whether he had done anything wrong to bring about that result or not; I am simply stating what is a recognized fact. Now we all know that the Irish vote is a very important one in the elections in the United States. It is known that if Mr. Blaine had succeeded in getting a couple of thousand more Irish votes in 1884, he would have succeeded in becoming the President of the United States.

HON. MR. HOWLAN—I suppose an equal number of Scotch votes would have done just as well.

HON. MR. POWER—All people have their national feelings: it happens that the Irish vote is a very influential vote in the United States, just as the German is; and I presume that if a man had been selected as plenipotentiary who was obnoxious to the Germans in the United States the result would have been the same, except that as a rule our Irish people take a more active part in politics than the Germans do. The fact that Mr. Chamberlain was the principal plenipotentiary on the British side is calculated to prevent the Senate of the United States from ratifying the treaty.

HON. MR. BOTSFORD—No.

HON. MR. POWER—I do not say that it should be so, but that is the fact.

HON. MR. BOTSFORD—I do not think it will have a feather's weight in the decision of the matter.

HON. MR. POWER—That is the opinion of my hon. friend; other people who have equal opportunities of judging entertain a different opinion. The hon. gentleman from Ottawa referred to two very injudicious speeches that Mr. Chamberlain made—that is injudicious looking at them from the American point of view; but there was an observation made in one of those speeches, if I am not mistaken, which went to show that Mr. Chamberlain was not the man to send out as a plenipotentiary, for another reason altogether. This gentleman who was coming out as principal plenipotentiary on the English side, talked of himself as coming out to hold the balance evenly between the two countries. He was not to be the advocate of the rights of England or Canada, but simply an umpire between the two; and in that respect he was the sort of Christian statesman that we hear about sometimes, but he was not the sort of man we wanted. That was not the sort of men the United States put on their board. Mr. Bayard did not go into the conference with the feeling that he was ready to give England or Canada all that she had a right to; and the other American plenipotentiaries did not go there with any such idea at all. They went there to make the best bargain they could for their own country; and I do think that our own plenipotentiaries should have gone there actuated by the same feeling. I have no doubt that Sir Charles Tupper went there with a feeling that he should make the best bargain he could for Canada; and I presume he did the best he could, handicapped as he was. I am satisfied that if we had had three commissioners like Sir Charles Tupper we should have had a better treaty. This treaty is the result of a protracted bargaining between the two countries. There was correspondence and there were negotiations; and, finally, as the result of all that, comes the treaty. Now, in order to see who has got the better in the negotiations, let us see what each party has contended for and which has receded most from the position taken up, and then we shall be in a reasonably good position to judge as to who has made the better bargain. The American contention is to be found in a despatch of Mr. Bayard, to which I have already referred. I may mention, in a general way, before reading Mr. Bayard's proposal, that in the end, whatever it may have been in the beginning, the contention of the Americans was chiefly this—

that while they were not allowed to fish within the three-mile limit, still if their fishermen were fishing outside the three-mile limit, their vessels had a right to be treated when inside of that limit just as if they were trading vessels; and that they had a right to get bait and supplies of every kind just the same as if they were trading vessels. The contention on the part of Canada was the other way. I shall just read what Mr. Bayard said, beginning at the foot of page 178. In his despatch of the 15th November, 1886, he says:—

"The present memorandum also contains provisions for the usual commercial facilities allowed everywhere for the promotion of legitimate trade, and nowhere more fully than in British ports and under the commercial policies of that nation. Such facilities cannot with any show of reason be denied to American fishing vessels when plying their vocations in deep-sea fishing grounds in the localities open to them equally with other nationalities. The Convention of 1818 inhibits the 'taking, drying or curing fish' by American fishermen in certain waters and on certain coasts, and when these objects are effected, the inhibitory features are exhausted. Everything that may presumably guard against an infraction of these provisions will be recognized and obeyed by the Government of the United States, but should not be pressed beyond its natural force.

No construction of the Convention of 1818 that strikes at or impedes the open-sea fishing by citizens of the United States, can be accepted, nor should a treaty of friendship be tortured into a means of such offence, nor should such an end be accomplished by indirection. Therefore, by causing the same port regulations and commercial rights to be applied to vessels engaged therein as are enforced relative to other trading crafts, we propose to prevent a ban from being put upon the lawful and regular business of open-sea fishing."

That expresses his view on that point. Now the protocol which has already been referred to by the hon. members from Richmond and Amherst, contains six articles. The first article contained a proposal for the settling of the question of territorial rights, and Mr. Bayard's proposition was that "the distance of three marine miles from such bays and harbors shall be measured from a straight line drawn across the bay or harbor, in the part nearest the entrance, at the first point where the width does not exceed ten miles."

Then, in the same first article there are propositions:

"2. To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said Convention to the fishermen of the United States.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment with as little expense as possible, for the violators of rights and the transgressors of the limits and restrictions which may be hereby adopted."

The second article provides that:

"Pending a definite arrangement on the subject, Her Britannic Majesty's Government agree to instruct the proper colonial and other British officers to abstain from seizing or molesting fishing vessels of the United States, unless they are found within three marine miles of any of the coasts, bays, creeks and harbors of Her Britannic Majesty's dominions in America, there fishing or to have been fishing, or preparing to fish within those limits, not included within the limits within which, under the treaty of 1818, the fishermen of the United States continue to retain a common right of fishery with Her Britannic Majesty's subjects."

There is also a provision for the creation of a Court, to be composed in the first instance of commanders of one United States and one English war-ship; and that if they were of opinion that the vessel should be subjected to a judicial examination, she should be sent forthwith before the Vice-Admiralty Court at Halifax.

The fourth article is as follows:—

"The fishing vessels of the United States shall have in the established ports of entry of Her Britannic Majesty's Dominions in America, the same commercial privileges as other vessels of the United States, including the purchase of bait and other supplies; and such privileges shall be exercised subject to the same rules and regulations, and payment of the same port charges, as are prescribed for other vessels of the United States."

Then is a further provision that the British Government should release certain American vessels then in custody. I think attention has not been directed to the fact that only those vessels in

custody for having failed to report at the Custom House when seeking shelter, repairs, or supplies were to be released. If I am not mistaken, the Canadian Government have released all those vessels. There was also provision for assessing the damages in such cases. Nothing has been done about it. I have read what the United States proposition was. In order to fortify the view which I have taken, I may be allowed to read what the view of the late Secretary of the Treasury of the United States, Daniel Manning, was. In a report to the House of Representatives, dated the 10th January, 1887, he said :—

"Condemnation does not, in the opinion of this Department, justly rest upon the Dominion of Canada because she has upon her statute-books and enforces a law similar to the foregoing, but because she refuses to permit American deep sea fishing vessels, navigating and using the ocean, to enter her ports for the ordinary purposes of trade and commerce, even though they have never attempted to fish within the territorial limits of Canada, and intend obedience to every requirement of the Customs laws, and of every other law of the port which such vessels seek to enter. American fishing vessels duly authenticated by this Department, and having a permit 'to touch and trade,' should be permitted to visit Canadian ports, and buy supplies, and enjoy ordinary commercial privileges, unless such a right is withheld in our ports from Canadian vessels. The right is denied by the Privy Council and the Governor General of the Canadian Dominion, upon the ground that it would be in effect a *pro tanto* abrogation of the Treaty of 1818."

The Secretary of the Treasury goes on to say :

"This Department has had occasion in the past,and may be compelled in the future, to seize and prosecute to forfeiture foreign as well as domestic vessels violating in our own ports, the Customs' law, but I believe there never has been in the past, and I hope there never will be in the future, such *passionate spite* displayed by the officers of this Government, as has during the last summer been exhibited in the Dominion of Canada toward well meaning American fishermen. Congress has forbidden the Head of this Department to prosecute even for evasion of tariff law unless satisfied of 'an actual intention to defraud.'"

There it will be seen that it was the harseness that was exercised by our customs officers in the cases of some fishermen, who may have not meant to violate the law, which the late Secretary of the Treasury resented most. However there is this to be said ; that while there may have been occasional cases where innocent men have suffered, I imagine that in the majority of cases the innocence was not real but assumed. It may in certain cases be better that ninety-nine guilty men should escape than that one innocent man should suffer. Still I think that, in dealing with foreign fishermen and protecting your own treaty rights, that is not a good rule to adopt.

Now what was the Canadian view ? That will be found laid down very fully in the Minute of Council approved by His Excellency on the first of February 1887. It will be found at page 214 of the blue book. On Mr Bayard's first proposition, as to making ten miles instead of six the width of the bays which were to be the exclusive property of Canada, the Committee of the Privy Council make some observations. The hon. gentleman from Richmond last evening read a portion of those observations ; and it may be remembered that I asked him to read what followed, I shall just read what came immediately after the quotation, made by the hon. member :—

"This provision would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada, and would make common fishing grounds of territorial waters which by the law of nations have been invariably regarded both in Great Britain and the United States as belonging to the adjacent country."

Then the Committee go on to refer to the Baie des Chaleurs, which fortunately has been made our property, and the Committee proceed to say, and it is clear from other portions of the correspondence, that it has always been insisted that the bays were the property of England no matter how wide they were ; so that it will be seen that the Privy Council disapprove altogether of that proposition of Mr. Bayard's.

As to Article 2 they say that it is entirely inadmissible, because,

"It would suspend the operations of the Statutes of Great Britain and Canada, and of the Provinces now constituting Canada, not only as to the various offences connected with fishing, but as to Customs, harbors and shipping, and would give to the fishing vessels of the United States privileges in Canadian ports, which are not enjoyed by vessels of any other class, or of any other

nation; such vessels would for example, be free from the duty of reporting at the Customs on entering a Canadian harbor, and no safeguard could be adopted to prevent infraction of the Custom laws by any vessel asserting the character of a fishing vessel of the United States."

HON. MR. KAULBACH—Is that the touch and trade license?

HON. MR. POWER—This article does not refer to that. Then on page 217 the Committee say that—

"It must, however, be borne in mind that should no 'definite arrangement,' such as is looked forward to in the proposal, be arrived at, these extraordinary concessions, although applied for pending such a definite arrangement, might remain in operation for an indefinite period, and that the Article would be taken for all time to come as indicating the true interpretation of the Convention of 1818, although the interpretation placed upon that Convention by the Article is, as a matter of fact, diametrically opposed to the construction which has heretofore been insisted upon by successive Canadian Governments."

When we come to look at the treaty, we shall find that its language embodies substantially the proposition of the United States. The Committee continue:

"As to the Article III the Minister submits that it is entirely inadmissible. It proposes that Her Majesty's Courts in Canada shall, without any show of reason, be deprived of their jurisdiction, and would vest that jurisdiction in a tribunal not bound by legal principles, but clothed with supreme authority to decide on most important rights of the Canadian people."

"4. Article IV is also open to grave objection. It proposes to give the United States' fishing vessels the same commercial privileges as those to which other vessels of the United States are entitled, although such privileges are expressly renounced by the Treaty of 1818, on behalf of fishing vessels, which were thereafter to be denied the right of access to Canadian waters except for shelter, repairs and purchase of wood and water. It has already been pointed out, in previous reports on this subject, that an attempt was made, during the negotiations which preceded the Convention of 1818, to obtain for the fishermen of the United States the right of obtaining bait in Canadian waters, and that this attempt was successfully resisted. Your Excellency will observe that, in spite of this fact, it is proposed, under the article now referred to, to declare that the Convention of 1818 gave that privilege, as well as the privileges of purchasing other supplies, in the harbors of the Dominion."

The Committee proceeded to add:—

"From the above enumeration of some of the principal objections to which the proposals contained in Mr. Bayard's memorandum are open, it will be evident to Your Excellency, that those proposals as a whole will not be acceptable to the Government of Canada. The conditions which Mr. Bayard has sought to attach to the appointment of a mixed commission involve in every case the assumption that upon the most important points in the controversy which has arisen in regard to the fisheries on the eastern coast of British North America, Canada has been in the wrong and the United States in the right. The reports which have already been submitted to Your Excellency and communicated to Her Majesty's Government upon this subject have been sufficient to show that the position which has been taken up by the Canadian Government is one perfectly justifiable, with reference to the rights expressly reserved to British subjects by treaty, and that the legislation, by which it has been, and is now being sought to enforce those rights, is entirely in accordance with treaty stipulations, and is within the competence of the Colonial Legislature."

"It is not to be expected that after having earnestly insisted upon the necessity of a strict maintenance of these treaty rights, and upon the respect due by foreign vessels, while in Canadian waters, to the municipal legislation by which all vessels resorting to those waters are governed, in the absence, moreover, of any decision of a legal tribunal, to show that there has been any straining of the law in those cases in which it has been put in operation, the Canadian Government will suddenly and without the justification supplied by any new facts or arguments, withdraw from a position taken up deliberately, and by doing so, in effect, plead guilty to the whole of the charges of oppression, inhumanity and bad faith, which, in language wholly unwarranted by the circumstances of the case, have been made against it by the public men of the United States.

"Such a surrender on the part of Canada would involve the abandonment of a valuable portion of the national inheritance of the Canadian people, who would certainly visit with just reprobation those who were guilty of so serious a neglect of the trust committed to their charge."

I think that anyone who reads over the Treaty will say that just the thing which the Minister of Marine and Fisheries spoke of in such strong language—language which was endorsed by the whole Privy Council of Canada—has taken place, and that we have abandoned just the things which that hon. gentleman said should not be abandoned at

all. The hon. gentleman from Richmond claimed, and I think the hon leader of the House also claimed, as a very singular feature of this Treaty, and one which distinguished it favorably from every other that had been made with the United States with respect to our fisheries, that the inshore fisheries were not given up to the United States. It happens that the American fishermen and the people who represent them have declared that nowadays they do not care about our inshore fisheries. They use purse seines to catch mackerel in deep water, and they fish on the banks for cod. They never suggested that they should be allowed to catch within the three mile limit; so to say that the Americans did not get something which they did not ask for—

HON. MR. MACDONALD (B.C.)—Mr. Bayard asked for it.

HON. MR. POWER—I defy the hon. gentleman or any other member of this House to point out in this correspondence where Mr. Bayard claimed for the Americans the right to fish within the three-mile. To say that the treaty is to be distinguished from every other treaty because it does not give the Americans what they did not ask for is a curious commendation. In dealing with a matter of this sort we have to take the official correspondence between the two countries. We cannot take the hearsay statements of fishermen and other unofficial persons. I just wish to call attention to two or three points in the treaty to show which party succeeded in their contention. I have tried to put before you the claims of both sides. The views of both are embodied in the two State papers from which I have just read. I am not going to read the whole Bill now. I shall read the termination of article three :—

"The three marine miles mentioned in Article I of the Convention of October 20, 1818, shall be measured seaward from low water mark; but at every bay, creek, or harbor, not otherwise specially provided for in this Treaty, such three marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbor in the part nearest the entrance at the first point where the width does not exceed ten marine miles."

That is exactly the same as the proposition of Mr. Bayard, and Mr. Bayard's proposition was copied, just as this is, from the agreement made in 1882 with respect to the North Sea fisheries, to which England, France, Belgium, Holland, Denmark, Germany, and I think Sweden, were parties.

HON. MR. KAULBACH—But he did not propose that by himself.

HON. MR. POWER—That was the proposition made by Mr. Bayard and that proposition is embodied in the Treaty with qualification—and I stated at the opening of Parliament this year that, while I did not say that we had got anything by the Treaty, I did think that the provisions which the Treaty contained with respect to the three mile limit, constituted on the whole a satisfactory compromise. We have there what the United States representative proposed. Under article four we got something a little better than that. We have the Baie des Chaleurs and some other bays which would not, under article three, have come within the exclusive jurisdiction of Canada.

HON. MR. DEVER—Some of them had been included before.

HON. MR. POWER—England always contended and Canada always claimed, as appears from the report of the Committee of the Privy Council, that the three miles were to be measured from a line drawn from headland to headland no matter how wide the bay was—that the whole bay was British territory.

HON. MR. KAULBACH—But they never exacted that.

HON. MR. POWER—I am ready to admit that no seizures have been made in those large bays since 1866; but previous to the Treaty of 1854 such seizures had taken place; and I am quite willing to admit that on the whole Articles 3 and 4 of the Treaty are satisfactory. I think the proposition of the American Secretary of State was not an unreasonable one, and it has been adopted, although hon. gentlemen will notice

that our Government had contended that it should not be adopted. It has been adopted in the Treaty with certain modifications. Article 9 says that—

"ARTICLE IX.—Nothing in this treaty shall interrupt or affect the free navigation of the Straits of Canso by fishing vessels of the United States."

This, as is claimed by the President of the United States, is the first official recognition of the right of the United States to use forever the Strait of Canso. When speaking of this provision at the opening of Session, I said that I had no doubt that such a claim would be set up by the United States; and now we find the President making the claim, that England has recognized in perpetuity the right of the United States vessels to navigate the Strait of Canso, which is less than a mile wide in some places.

Difficulties may arise from that as I said before. If we wished to bridge the Strait, for instance, it would be contended that it was an interference with the free navigation of the Strait by United States' vessels.

HON. MR. DEVER—We can bridge the St. Lawrence.

HON. MR. POWER—My hon. friend has adverted to a foolish bargain made some years ago by Canada: that is no reason why we should endorse another foolish bargain to-day.

Article 10 of the treaty is as follows:—

"United States' fishing vessels entering the bays or harbors referred to in Article I of this treaty shall conform to harbor regulations common to them and to fishing vessels of Canada and Newfoundland."

"They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

"They shall not be liable in such bays or harbors for compulsory pilotage; nor when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the convention of October 20, 1818."

Any hon. gentleman, who compares the language of the treaty with Mr. Bayard's proposition and the doctrine laid down by Secretary Manning, will see that this and the following article practically embody an acceptance of the doctrine laid down by the United States authorities. United States fishing vessels are allowed to do the very things which the Minister of Marine and Fisheries and the Privy Council said would be open to great abuse and tend to make the Treaty of no value. Hon. gentlemen will see that if United States vessels are allowed to come into our bays and harbors, without entering or clearing, we are practically giving them a right to the inshore fisheries; because you cannot have a cutter at every port, and the United States fishermen may come in and are not obliged to report. They may say that they are coming in for wood and water or some other thing allowed by the Treaty; but practically when you come to operate this Treaty it will be found really equivalent to a surrender of our inshore fisheries.

HON. MR. KAULBACH — They must report to the Customs authorities within twenty-four hours.

HON. MR. POWER—They can remain for twenty-four hours certainly, and if there was a cutter at the opening of every harbor to see that vessels did not abuse the privilege my hon. friends, suggestion would be a perfectly proper one. This article provides that they need not report at the Custom House, so that we lose the control we had over them before; and it will be seen that this is the very thing which the Minister of Marine and Fisheries, in his report adopted by the Privy Council, declared would be the practical nullification of our exclusive fishery rights.

Article 11 says :—

"United States fishing vessels entering the ports, bays and harbors of the eastern and north-eastern coasts of Canada or of the

coasts of Newfoundland under stress of weather or other casualty, may unload, reload, transship or sell, subject to Customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews."

This permission to transship simply allows American fishermen to use our ports as a basis for fishing operations. For instance a vessel fishing in St. George's Bay comes to Port Mulgrave on the Strait of Canso and ships her catch to Boston or Gloucester by rail, and goes out and gets another load, whereas if she had not this right she would be obliged to go home. This privilege enables an American fishing vessel to make two fares for every one that could be taken before.

HON. MR. KAULBACH—That is only in case of casualty.

HON. MR. POWER—It is easy to make out a case of casualty. On the 6th April 1886, the Privy Council adopted a report of a Committee, which will be found at page 38 of the blue book, pointing out that this right to transship should not be allowed to United States fishermen at all. This eleventh article goes on to say that,

"Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports promptly upon application and without charge."

Hon. gentlemen will notice that was one of the things which the American negotiators contended for, and that United States' fishing vessels get licenses for nothing, which put them in the same position as trading vessels and enable them to get provisions and supplies for the homeward voyage; and when we go further we find that

"Such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for re-sale or traffic."

Under "supplies" they will probably claim to class bait and fishing gear. Hon. gentlemen will observe that a licence once obtained—and it is to be had free of charge—authorizes the holder "upon all occasions" to purchase the provisions and supplies referred to; so that the privilege is not to be confined to the homeward voyage exclusively."

HON. MR. HOWLAN — Ordinary trading vessels do not get bait.

HON. MR. POWER—They may get bait to sell. As far as we have gone with the treaty, the Americans have got substantially what they asked for. Under article 14 they have not got exactly what they asked for, but there has been a very serious inroad made upon our system of legal procedure. I do not propose to deal with that article at length now, because I have already spoken at some length, and there will be a chance to discuss the bill in detail at the committee stage. The hon. gentleman who leads the House said, or, if he did not, the statement was made by a gentleman in the other House in a position to speak authoritatively, that instead of bringing vessels charged with offences to the Vice Admiralty Court at Halifax the Vice Admiralty Court is to follow them around and hold a sitting wherever a vessel is seized. I think that that is a most undignified proceeding on the part of such a court, and that the Privy Council were perfectly right when in the report which I quoted a while ago they condemned any serious interference with the regular course of proceedings in the courts of the country. The articles which I have spoken of go into operation at once: I mean that they do not depend on anything to be received from the United States in return. As soon as the United States Senate ratify the Treaty all the articles down to and including 14 become operative. If they choose later on to let our fish in free of duty, they can get certain other privileges which seem to be not an unreasonable price for the abolition of the duty. I think I have shown, perhaps not in as neat a way as I should have done, that

this Treaty gives to the United States substantially everything that they asked; and I have yet to hear what the Treaty gives to us. Not the Finance Minister in the other Chamber, not any of the other Ministers who spoke on the subject, nor the hon. leader of this House, nor anyone who has followed him, has been able to point out what the United States have given up to us; what consideration they are to pay for what we surrender. I have already stated, and there is not much doubt about it, that the Americans are not particularly anxious to fish within the three-mile limit.

HON MR. BOTSFORD—That is a mistake.

HON. MR. POWER—They have not asked for the privilege, and they do not appear to be anxious about it. Under these circumstances, in giving up what we have abandoned, we give up the only lever we had to get free fish for our fishermen. Much has been done by the treaty for the fishermen of the United States. What has been done for the interests of our fishermen? There is not a provision in that treaty which involves any substantial benefit for our fishermen. It is provided that under certain circumstances United States fishermen shall take out licences. Where does the money go? It does not go to our fishermen; it goes into the Dominion Treasury; and there is not one provision in this treaty for the benefit of our fishermen. The Americans get substantially all that they asked for. They have given us nothing in return. When we give up so much to the United States, what might we have expected to have got from them? I think we might have expected a provision that our fish could go free into their markets; or, if that could not be done, some provision might have been made that our fishermen on the Pacific coast should be dealt with in the same way as the American fishermen on the Atlantic coast. That would have been reasonable and proper. Another thing might have been done. The United States, in consideration for all they were getting, might have given up some of the objectionable privileges which they enjoy with respect to the shores of the Magdalen Islands and Newfoundland. There is nothing for us in the treaty proper; and the *modus vivendi*, which is to last for two years, gives the Americans everything that they could expect, and gives us nothing at all in return.

HON. MR. MACFARLANE—Except their money.

HON. MR. POWER — The license fees, of course. We have had experience of license fees before, and the experience was most unsatisfactory. There is just one point in the Bill which does not appear in the treaty, that even if the United States Senate reject this treaty, still the *modus vivendi* may continue in operation. That is exceedingly objectionable. I think that if the United States Senators refuse to ratify this treaty, as I hope they will, we had better abandon the *modus vivendi* and enforce our rights in a reasonable way as they were enforced during the year 1887. One of the reasons why I hope that the treaty may be rejected is that if it is accepted, we get nothing, and its provisions will be looked upon as a sort of basis for all future negotiations. It will be considered that we get all that we are entitled to, and in future dealings with the United States, we shall be placed in a much worse position than we have been in the past. I admit that the Government of this country are just now apparently in a somewhat awkward position. They are, I presume, being urged by the Government of England, which seems to be a stepmother to Canada to settle this fishery question, and there are muttered threats of non-intercourse in the United States; and I do not know that on the whole I very much blame our Government for trying to push the treaty through; at the same time, I believe that the wiser and more dignified course for our Parliament to pursue would be to reject this Treaty, and to see that our rights under the Treaty of 1818 are enforced, as they were during the season of 1887 —in a firm but not exasperating manner —with the hope that at some later time, perhaps when there is no presidential election pending in the United States,

we shall be able to negotiate a treaty with that great country in which all the concessions shall not be, as in this Treaty, on the part of Canada. If the matter were not of such serious moment to our people, the conduct of our Government might afford us not a little amusement. Unmindful of the advice which Shakespeare puts in the mouth of Polonius to beware of entrance to a quarrel, but being in to bear it so that the opponent may beware of us, they took no steps to prevent our getting into the existing difficulties, but rather seemed to try to hasten and aggravate the process by a liberal use of "wild and hurling words," and now, that the difficulties have arisen, those who were the loudest and boldest in defying our powerful neighbor are the most urgent in calling upon Canada to swallow all her brave words and to make an ignominious surrender of rights which should be defended to the last. I, for one, hardly expected to find the Minister of Finance playing the part of Falstaff or ancient Pistol in any encounter. If we are, in the supposed interest of peace and good will, to eat humble pie, as the Minister tells us, let us acknowledge the true character of our occupation, and not try to lead the unwary to suppose that this treaty is anything on the part of Canada but a capitulation. As for myself, although I am a man of peace, I cannot bring myself to vote in favor of the measure.

HON. MR. HOWLAN—I certainly must congratulate the hon. gentleman who has resumed his seat on the temperate manner in which he has discussed the question before the House, but after listening closely and attentively to his speech from beginning to end it brings to my mind the couplet from Hudebras:

> "I do not like you Dr. Fell,
> The reason why I cannot tell."

We have before us a question of the greatest magnitude that has arisen since the organization of this Parliament—nothing more or less than a difficulty which has existed for a century between about one hundred millions of people speaking the English language. If there was nothing more done during the present session than the adoption of this Treaty, it is something that Parliament may be proud of. In approaching a question like this it was necessary that some able men should be appointed who thoroughly understood the matters to be settled. It was not to be assumed that any settlement of a question like this would be reached without difficulty arising on both sides and without concessions being made. It would be almost out of the question. Why an arbitration at all if certain points were not given up on both sides? Here we have the result of the labors of two of the best men who could have been selected from amongst ourselves, one of them the Minister of Justice, an able lawyer, who was counsel for the American Government during the Halifax negotiations, and was, therefore, thoroughly conversant with their view of the subject. He, perhaps more than any other man in Canada was fully cognizant of all the points arising out of the contentions which have been raised from time to time, and enunciated by the American Government. We had also Sir Charles Tupper one of the cleverest men in public life in this country, who for many years led the Government of Nova Scotia, and was cognizant with all the questions relating to the fisheries, which necessarily came under his purview while he was a member of the Government there, and since then as a member of the Dominion Government. There was also the Hon. Joseph Chamberlain, an able British statesman. I am perhaps as strong a Home Ruler as any gentleman in this House, and love my native country, and would go as far to serve her as any hon. gentleman, yet I fail to see in any way how the Irish in the United States have any bearing on this question, *quo ad* Mr. Chamberlain. It is a fact that will not be disputed by any person who is at all cognizant with the views of the Irish people, that there are no truer friends to those who are kind to them. Then why should the Irish people of the United States have unfriendly feeling towards Canada? Canada has not been unkind towards Ireland. In this very Chamber we have passed resolutions of sympathy with Ireland and have also

sent them large sums of money, and I ask why should the Irish people of the United States wish to revenge themselves upon Canada, for any wrongs which they may consider Ireland has sustained at the hands of the British Government? Simply because Mr. Chamberlain was appointed a plenipotentiary by a Government over which the people of Canada have no control? I dismiss the remark of the hon. gentleman from Ottawa as unworthy of notice. Not only has this question occupied the attention of the people of the United States and England and Canada, but it had also engaged the attention of the French who had occupied beforehand the fisheries that we speak of in regard to the Maritime Provinces. During the occupation of Acadie by the French it is a well known fact that above everything else they valued the fisheries of New France. It must be known to those who pay attention to the early history of Canada that the great castle of Fontain bleue was built on the proceeds of permits to fish in the Gulf of St. Lawrence. We know that the town of Louisburg was built and fortified for the purpose of protecting the fisheries that then belonged to France; and we know that after the "unpleasantness" which took place between England and the revolted colonies forming the United States, it was not English troops which were the means of re-taking Louisburg for the second time, but American troops, or colonial troops, as they were called then, from Newburyport, under General Pepperall, and it was one of the reasons why the Americans thought they had secured a right to those fisheries. After the War of Independence it is a well-known fact that the great Edmund Burk and others of that day admitted that the colonies had been harshly treated and that perhaps after a time—after they had recovered their senses, they would come back to their allegiance to the British flag, and a certain portion of the public men of Great Britain were in favor of treating the people of the United States not altogether as aliens, but with a certain degree of indulgence. We know that during these troublesome times some who were termed United Empire Loyalists came from Maine and Massachusetts, and many of them settled in Nova Scotia. Those who came from the State of Maine and those who remained at home were not forever in a state of enmity towards each other, as was stated by the hon. gentleman from Ottawa, who thought that there was no intercourse between them. It is a well known fact that a considerable trade existed between Nova Scotia and the ports in Maine and Massachusetts, and that a packet sailed regularly from New York to Halifax. When the Treaty of 1783 was made, not exactly as stated by the hon. gentleman from Amherst, American fishermen were only permitted to land in certain places, while those places were unoccupied; but as soon as they were occupied then the permit ceased. And he states that if the Treaty was to be framed to-day with the present conditions of affairs, with the great growth of the American nation, it would be out of the question to have such a treaty as that of 1818. Such a statement as that shows that the hon. gentleman paid very little attention to the question, and to use a nautical phrase, he is entirely at sea on this question. The British Government asked the American Government to make a statement of what they wanted and it was upon that statement, as made by the American Government, that the Treaty of 1818 was framed. Why was it framed in such terms? Why did the Americans not ask for more than they did in 1818? Why do they ask for more now? The question is easily answered. In 1818 the Americans had as many miles of sea coast as we had, north of Cape Hatteras, and they had virgin fisheries like ours; but they have destroyed those fisheries until they are completely run out. If at that time their own fisheries had been as they are now they would have asked for access to our fisheries. But, no; their own fisheries were as good as ours, and they did not want them. If hon. gentlemen take the plan that was before the plenipotentiaries, they will find that the banks lying off Nova Scotia and the bay which gives rise to the fishing on those banks are, after all, a most important portion of the question the Commissioners had to consider. A good deal has been said with regard to the sale of bait and the inshore fisheries, and an en-

deavor has been made to show that if an American vessel is allowed to come in and purchase ordinary supplies for a trading vessel that therefore she is going to purchase fishing supplies. But what does the treaty say with regard to that particular point? It states that fishing vessels shall have the right to go in for such supplies as trading vessels require, and for no others. The treaty of 1818 was thoroughly understood by the late Daniel Webster. The broad views he entertained with regard to that particular time are well known, and he never complained in any of his utterances or writings of the constructions put upon the treaty by the British authorities, for the simple reason that the treaty was framed, arranged, systematized, and dictated almost by the friends of the United States. That was the reason, and the only reason, that the treaty was made as it is. Well, we have gone on from that time to the present date, and if you take up the reports of the Fishing Bureau of the State of Massachusets—that gives a report of all fish imported into the United States and caught on the United States coasts and the fish caught on the provincial coasts—you will find according to those figures for ten years, that so far as mackerel fishing along the American coast is concerned, it is a very unimportant item. It being now near six o'clock and I have some further remarks to make I would ask that the Speaker leave the Chair until after recess.

BILLS INTRODUCED.

Bill (78) "An Act to incorporate the Accident Fire Insurance Company." (Mr. Botsford.)

Bill (32) "An Act to incorporate the Dominion Plate Glass Insurance Company." (Mr. Power.)

Bill (86) "An Act to authorise the construction of bridges over the Assiniboine River at Winnipeg and Portage La Prairie for Railway and passenger purposes." (Mr. Girard.)

AFTER RECESS.

HON. MR. HOWLAN—When the Speaker left the Chair I was about reading to the House the exports and imports of fish in the United States, both home catch and foreign catch, so as to give some idea of what the matter in dispute was as regards value between both nations. I have here the report of the Boston Fish Bureau for January 1888 and they give there the catch of all fish imported, those which are foreign caught as well as those which are home caught. I will read first the return with regard to mackerel, beginning with the year 1878 :—

New England catch of mackerel for ten years comparing the North Bay with the shore catch, as reported to the Boston Fish Bureau.

	Shore.	*Bay.*	*Total.*
1878	134,545	61,923	196,468
1879	209,803	10,796	220,599
1880	342,373	7,301	349,674
1881	291,178	470	391,657
1882	378,963	.....	378,863
1883	198,019	28,666	226,685
1884	458,439	19,637	478,076
1885	302,271	27,672	329,943
1886	16,915	63,083	79,998
1887	70,814	17,568	88,382
Total bbls..	2,503,229	237,116	2,740,345

An extraordinary fact in connection with the mackeral catch for the last 30 years is this, that whenever there has been a difficulty between the two countries the mackeral seemed to have been well informed on the subject, because they kept on the inside of the limit of the inshore waters. It was the case in 1853–4 at the time of the first treaty; it was the case again in 1870-1 and again in 1886–7—the mackeral left the American coast and came to ours.

HON. MR. DEVER—I suppose they will leave our coast now that the Americans are coming down.

HON. MR. HOWLAN—I will now call attention to the other great item of our fisheries and that which is the most important to our people the question of bait. To understand the bait question thoroughly it will be necessary for to hon. gentleman to remember that

off the Novia Scotia coast within a measurable distance, are the St. Peter's Bank and the Green Bank which are nearer than the banks of Newfoundland. An American vessel leaving a New England port can carry bait sufficient to go on the ground, but the bait will not last in a fresh condition sufficiently long to enable her to fill up and go home to port; but if she could buy bait in some of our ports, she could take up her lines in the evening on the fishing bank, reach port by morning and get back before evening to the fishing ground. Thus the most important question to the New England fishermen has been this one of bait. Without it they are unable to carry on deep-sea fishing, and have only the fishery of the banks of Newfoundland which is exceedingly dangerous. Of the number of vessels that have gone there every season it has never been known that the whole of them have returned in any season; it is called the fisherman's graveyard, and none but the most hardy and intrepid spirits go to the Grand Banks, and most of those men are Canadians from Nova Scotia and particularly the Island of Cape Breton. It has never yet been known in the history of that bank fishing that the same number of men and vessels that went out returned to port. Still they pursue their calling because it is a necessity of the fishing business that every year the men shall earn wages for the support of their families.

HON. MR. MACDONALD (B.C.)—Is the fishing extra good on that bank?

HON. MR. HOWLAN — Yes. Of course it is a totally exposed place and they have to fish in 80 to 120 fathoms of water. Once their anchor is down it is not easy to get it up; they have to stay there until the vessel is loaded, and in heavy gales of wind vessels have been known to go down.

HON MR. KAULBACH—Are you referring now to the Grand Bank?

HON. MR. HOWLAN — Yes. Of the fleet that visited Grand Bank last year there were 145 men lost:—

Fishing Losses, Season 1887.

Hailing Port	*Vessels.*	*Tonnage.*	*Value.*	*Lives Lost.*
Gloucester	13	863.43	$62,900	84
Provincetown .	3	367.13	25,000	46
Beverly	1	94.05	8,000	15
Newburyport .	1	8.78	1,000	—
Portsmouth ...	1	43.82	——	—
Sedgewick	1	55.06	——	—
Others	2	15.15	500	—
Total	22	1,447.27	$97,400	145

HON. MR. KAULBACH—Chiefly in United States vessels?

HON. MR. HOWLAN—Altogether United States vessels. I do not think that we do any Grand Bank fishing, and I do not think that we do any winter fishing there at all.

HON. MR. KAULBACH — We do very little.

HON. MR. HOWLAN—I am somewhat acquainted with the fisheries of Norway, Scotland and Ireland, and I do not think there is any fishery in the world where the risk is so great as on the banks of Newfoundland. I have here the total catch that comes into the United States markets, not only the home catch, but the catch from our waters, and without going over all the different items, I will take that which stands next as a merchantable fish—the codfish. The total domestic receipt, home caught, amounted to 141,792 quintals, and with that were 35,112 quintals of foreign fish—total, 176,904 quintals. In dealing with this question the other night, the hon. member from Ottawa stated that the great proportion of our fish was sold in the United States. Those who are at all acquainted with the fisheries and our foreign market for fish, are aware that the fish which come from Canada, particularly from the Baie de Chaleur and from Lunenburg, are worth more in the markets of the world than these United States caught fish. The great majority of fish caught in the United States waters are for home consumption. With their 60,000,000 people, and their great and extensive arteries of commerce, their fish

are sent to all portions of the country, and sell for more in a fresh than in a salted state. But so far as the West Indies, South America or Mediterranean markets are concerned, they are supplied from the fisheries of Canada. I have digressed for the purpose of placing before the House the exact value of the fisheries, which, we have been told, were given away and would entail ruin upon us. I put thus frankly the facts before the House for the purpose of placing them in possession of a knowledge of the value of those fisheries which, it was said, we were about to be robbed of. Before I leave that subject, I may say this—that the whole fishery question appears to me almost in the position of a family quarrel. The father and the elder son went into the forest and made a home for themselves. After the son had gone out for himself upon another homestead, the father and he had quarrelled, and required to make a division of the spoil. It has always appeared to me that although these fisheries are ours we should not forget, and history will not permit us to forget, that the people of the United States assisted us in gaining the fisheries, which have formed the subject of this recent arbitration. It is a very important factor in the case, looked at from several standpoints. It is important that the flag which covers our tonnage is found perhaps in a greater degree in the harbors of the United States in carrying to foreign markets of the world their products than perhaps any other flag in the world, and whilst we have a very large commerce with them and are willing to be neighbors as we always have been, there is no doubt in the world that the fact enunciated last night by the hon. member from Amherst, as told to him by Charles Sumner, is correct. I can endorse it. When I was in Washington in 1869, Sumner told me almost the same words. It is an open question, one that I am not so well satisfied about, whether we were not to blame in the course we took at that time. Here was a nation with which we were on friendly terms. We had traded with them, had intermarried with them, and in a moment of excitement they had quarrelled among themselves. Some of our people espouse the cause of the north, some the cause of the south. There was this to be said, that while they did not expect the sympathy of people on the other side of the Atlantic they did expect some sort of regret from us that family dissensions had so increased, that a storm had swept over the country and deluged almost every hearthstone with blood. They did think that they were entitled to our sympathy, and that was why the treaty was abrogated. It is true that like begets like. Little individious distinctions were draw about articles of commerce, and one thing after another occurred to cause vexation and annoyance and formed just grond for complaint. For instance take this very fisheries question. After the repeal of the Reciprocity Treaty the Internal Revenue laws of the United States, forbade any fishermen from buying salt or barrels, and the latter had to be stamped and registered in the Custom House, so as to prevent the fishermen from buying barrels made in Canada. Then the next thing that came up was with regard to tins containing lobsters, and so it went on from one thing to another until we put our cruisers on to protect our fisheries. It has been stated here that no such step have ever been taken before. Those who had read the history of Nova Scotia are aware that the legislature of that Province in 1837 appropriated £500 to put cruisers on for the protection of the fisheries. We put those cruisers on, and instructions were issued to the commanders, copies of which I have had the pleasure of reading. I have also seen the instructions given to the commanders of American ships, and in all cases they were on both sides that they should be very careful in carrying out what was considered the law. In the first place, when the American gunboats were sent to the fishing grounds, they were instructed wherever they met one of their vessels to notify them that they must not get inside of the three mile limit, and that if they did they must take the consequences. It has gone on that way until we have found a means of settling this difficulty amicably. We have heard a good deal of talk here about the head-

land question. That has been an open and vexed question: neither nation has tried to carry that out strictly. By this treaty we have settled that. Now bear with me a moment while I describe to you a master of an American fishing vessel. Probably his father had been a fisherman — and this description will apply alike to our Canadian fishermen or perhaps in a greater measure than to the United States fishermen—he has served his time before the mast of one of those fishing vessels until he has accumulated a little money, going to the Grand Banks and mackeraling in the summer. By his industry and temperate and careful habits he has so impressed a merchant that he is able to take care of a vessel that he is placed in charge of one, and all his earnings he puts into that vessel, owning perhaps one-sixteenth of it. That vessel is his home—his everything. It is not only his past and present, but it is his future. He knows that if he is successful in his voyages it advances him until he becomes owner of the vessel and is able finally to retire as he has seen others retire. I point this out to show you how careful these fishermen are not to get into trouble. After living for 30 years where a large number of American fishermen frequent during summer season I may say, and I do say it with due consideration—that taking any other body of men as they are I doubt if you will find any that are better behaved under all the circumstances connected with the matter, and when you find fault with those fishermen with whom you are finding fault? It is true that the navigation laws of the United States, which have not been repealed since they were passed in 1876, are very illiberal as compared with those of England. They require the master of a vessel and two-thirds of the crew shall be American citizens. Any man who has had anything to do with vessels in the United States will tell you that this law is almost in abeyance. It is not going too far to say that two-thirds of the men who manned the American fishing vessels are Canadians, and that being the case, it is only another proof of the fact that we have a hardy school in which to train our fishermen. It is only another proof that the protective policy which this Government has pursued towards the fisheries of the last few years has had a beneficial effect. My hon. friend from Lunenburg will be able to tell you that fifteen or twenty years ago to see an American fleet was to see the handsomest vessels afloat. I was surprised two years ago, in passing through the Straits of Canso, to meet a sail of fifteen or twenty vessels from Lunenburg, which were larger and handsomer than those from the United States. We have been enabled to build up our fishery and employ our hardy fishermen under the policy of the Government. But there is a large portion of our people who have no way of making a livelihood unless they go on those vessels because they get larger wages. I mention this for the purpose of showing that in a great majority of cases the people that we call American fishermen are simply relations of our own. When the address in reply to the Speech from the Throne was before the Senate the leader of the Opposition went out of his way in the absence of any papers, to make most unwarrantable assertions on the subject of this Treaty, and when I smiled he almost flew at me and told me that I would vote for anything proposed by the Government, no matter what it was. When I spoke of the delimitation he said that the portion of the Treaty which refers to the delimitation he said that the masters of fishing smacks as he called them, of *one* or *two tons* would have to get large charts. I could not help laughing when I remembered that a fishing smack would have to come 600 miles and carry several barrels of salt and provisions for her crew of twelve to sixteen hands and that such vessels were usually from 80 to 100 tons burthen.

Now, there is one fact with regard to this delimitation. I have told hon. gentlemen how these fishermen—owning their vessels—how necessary it is for them to know where this three mile limit is, and how necessary it is for us to know it. We are not disposed, as a Canadian people, to be unkind or ungenerous towards the people of the United States. We are not known to be wanting in humanity or hospitality, but we stand directly upon the letter of the law and our rights, and we are compelled to do

so. How were those men able to tell, or how could any man tell, whether he was inside of the three mile limit or not until it was defined? and to settle that question was one of the points brought up in the dispute. Is that question not in a better position than it was before? Is there any doubt or difficulty about it, and what is the proposition to settle it? The proposition is to take a friendly ship of each nation properly equipped for the purpose of surveying, taking soundings, and laying down this line of demarcation, so that there will be no more of those difficulties regarding exclusive rights, regarding the bays of Canada and those of Newfoundland. Those who are acquainted with the winter fishing of Newfoundland will understand the value of having those bays, where all this frozen herring is caught, properly defined. If an American fisherman ventures into any of those bays, he will have his chart on board, and knowing the law, and the line of demarcation, if he finds himself arrested for being out of his limits he knows that he is himself to blame for it. But there are times when it is difficult for any fisherman to tell whether he is within three miles of the shore or not. Night comes on, and he hauls his jibs to the windward and drifts. Perhaps next morning he is fifty miles from his fishing ground, but he can tell by the soundings on his chart exactly where he is and whether he is inside or outside of the three mile limit. The hon. gentleman from Ottawa when speaking on the Address took the opportunity to make a loud and boisterous attack upon the Treaty, without any papers being before him. I told him then that when this treaty was laid upon the table of the House, that I would be ready to reply to him; that it was no time then to discuss the question. But what was the result? The hon. gentleman's speech was telegraphed all over the United States, and I have before me a letter from a friend in Washington stating that Mr. Scott's speech was the view of the Senate of Canada on the Fishery Question. I say it was a disgrace to that hon. Senator, before the treaty was laid on the table and before he knew anything about it to discuss it in the way he did. Will those different sets of opinions which were uttered by him last night be telegraphed all over the United States as being the views of the Senate of Canada? No one considers for a moment that they will; it will be very clearly given forth that the opinions first uttered by the hon. gentleman from Ottawa on this subject were the opinions of the Canadian Senate. Here is the hon. gentleman's speech in big letters in the New York *Herald*, published the morning after its delivery, as also the remarks that were made by the hon. gentleman from Halifax. I contend that such a course as that certainly does not accord with the patriotism for which the hon. gentleman is usually distinguished. But while he tells us that it is robbery on the part of Canada to assert her rights, he tells us in the same breath that we have given away all our rights and disgraced ourselves; and the most amusing part of his argument is that Mr. Chamberlain came over from England for the purpose of doing—what? Watching over the rights and interests of the manufacturers of England. What the manufacturers of England had to do with the fisheries on this side of the water is a thing I cannot understand. But the people of the United States had his speech the next morning. Here it is as telegraphed to the New York *Herald*:—

"AN INCONGRUOUS DOCUMENT."

Canadian Members of Parliament Oppose It as Conceding Too Much.

OTTAWA, Ont., February 24, 1888.—In the Senate to-day, referring to the fishery treaty clause in the Governor General's speech, Senators Ross (Quebec) and Sanford (Hamilton) both said that they looked upon it as a means by which the vexing fisheries question can be set at rest forever.

Mr. Scott, Opposition leader, said he could not accept the solution of the fisheries question provided by the Chamberlain treaty in spirit suggested in the Governor's speech. The friction between the two countries had been intensified by an incongruous document concocted in Washington. Instead of sending to England for a diplomat who came out with the sole object of insuring peace between Great Britain and the United States, the honorable and chivalrous course for Canada would have been to have granted freely and voluntarily these concessions to the United States, and to have told the people of that great country: "We want to deal with you, we want to trade with you,

without the intervention of British plenipotentiaries." Who could say authoritatively where the privilege granted under clause 11 ended? The language of the clause was so dubious that he believed before twelve months it would be found that the interpretation of the clause would give rise to most angry contention.

It was doubtful how the United States Senate would deal with the Treaty, particularly in view of its recent action on the extradition question. In throwing out the extradition Treaty the United States Senate had lowered itself morally in the eyes of the world.

"Mr. Power, of Halifax, said that, looking at the treaty as a whole, it was not one which would be viewed with much satisfaction by Canadians. Canada had given up a good many privileges which American fishermen had been anxious to get. He looked upon article 13 as only proper. The American fishermen should certainly carry with them some indication of their character. Article 14 was not unreasonable, and article 15, if it ever went into effect, would not be a bad thing. He regretted, however, that by the concessions the Canadian Government had made they had thrown away the only lever by which reciprocal trade with the United States could be secured."

Now, almost on the same morning we have the opinions of another New York paper stating almost exactly the opposite. I do not understand how it is; if this treaty is not acceptable to the people of Canada and not acceptable to the people of the United States, to whom can it be acceptable? On the same date the New York *Tribune* says:—

"It is a feeble and incoherent compromise, and Secretary Bayard has failed to vindicate the honor of the nation. Nearly all of Canada's outrages can be repeated under the treaty with impunity; Canada with her custom regulation deliberately harrassed our fishermen, to force us to remove the duty from fish. This was their objective point and will be again. The provision for tonnage dues gives Canada new facilities for operating against our fishermen. The treaty will be as unpopular in Canada as in New England. It does not offer a basis for a permanent settlement. It should be rejected by the patriotic Senate."

These are the opinions of a very popular and influential paper in the United States and we also have the opinion of the leader of the opposition in this House. But a change has come over the spirit of his dream, and when I laughed at one or two of his remarks, I thought I would be annihilated, because I dared to offer an opinion. But as the hon. gentleman went along, he showed clearly he did not understand the question he was speaking about, or if he had studied it out, he had not such a knowledge of it as to from a correct opinion. He then went on to find fault with another portion of the treaty. Last year we refused to allow American fishing vessels to remain in our harbors more than 24 hours without reporting to the custom authorities. This year we have allowed it, and I am very glad of it, and I think it is a very proper thing under all the circumstances; but what are we told? We are told that if we allow them to come in through stress of weather that they will fish inside of the three mile limit and do all sorts of illegal acts. To me it is begging the question to say that a fishing vessel will come into harbor under pretense of stress of weather. The hon. gentleman does not know what "stress of weather" means; he has lived too long on the placid waters of the Ott wa to know the real meaning of stress of weather. In the Gulf of St. Lawrence heavy gales of wind come up without a moment's notice, and it has always seemed to me to be very hard to see a fishing vessel off the harbor with the certainty of being blown out to sea, and not allowing her to take refuge. A few years ago we had what was known as the Yankee gale, which strewed 250 fishing vessels along the coasts and caused the loss of a great number of lives; still the hon. gentleman would allow these fishermen to go to a watery grave rather than permit American fishing vessels to enter port on distress of weather. I was surprised at the fact, and the only way I could account for such a view was the hon. gentleman's total ignorance and want of knowledge of the subject he was speaking of. The result of the gale of 1853, to which I referred a moment ago was that 75 out of some 250 fishing vessels, for want of shelter in stress of weather were strewn along the coasts, and I will read you what was said by one of the poets of Prince Edward Island:—

"In that wild gale,
When some seventy sail,
Off Cape Ann—schooners so pretty and white—
Were caught in the hurricane out in the bight,

Between North Cape and East Point light;
They tried their best to round the cape,
But the seas ran high, and the gale so strong,
Most foundered, and strewed the coast
along."

I remember myself seeing several men picked up one after another after being washed ashore. That was but one case of what is called stress of weather, from which there is no escape. Then take the case of a man taken sick at sea. Under the treaty of 1818 you could not land him; you must take him away aport to some other country for a doctor, and the man dies in the meantime. I do not think, if those cases were put proper by before the people of Canada that they would have assented to any such treatment of foreign fishing vessels, and I say, as far as this treaty is concerned it is in that respect nothing more than an act of humanity on our part. But we are told again with regard to this question of fishing vessels being allowed to go in and out of our harbors that we allow them to do what? To trade? If a vessels flying the American flag comes in with cargos of cotton or sugar she can buy whatever she wants. Now, they are allowed to come in and purchase not what a fishing vessel can buy, but necessary supplies to take her on her home voyage. Every vessel is allowed to come into the harbors of Canada without reporting to the customs official if she does not stay longer than 24 hours. At one time, such was not the case when we had light dues, harbor dues and other tolls to collect; but it is not so now. If an American fishing vessel comes in to buy supplies, she merely buys the necessaries she requires, and goes away, and there is nothing more about it. Is it to be imagined that the masters of those vessels, who own them, and who have the earnings of a lifetime perhaps in one-fourth of the venture, will run the risk of losing his vessel for the purpose of doing what? Of trying to evade the law, knowing full well that behind them their own Government will not protect them in breaking the law—knowing full well that if they break the law their ship will be seized and confiscated. Still we are told that if we let those vessels come in for supplies that they should not be allowed to transship their cargoes. When I was a younger man I used to hear lawyers giving legal opinions freely, and one day I asked a legal friend of mine why he, a lawyer, gave his opinion in that way for nothing. "My dear fellow," he said, "a lawyer's opinion is not worth anything unless he is paid for it." We are asked by what manner of means are we to know that a vessel is in distress when she comes into harbor? The hon. gentleman may take it as a given fact that the master of a fishing vessel with 10 to 20 men on board never seeks a harbor unless he is compelled to through stress of weather or from want of supplies. Every hour of fishing weather is worth money to him; he must be on the ground while there is fish to catch, and as the crew shares in the venture as well as the captain, if a man is lazy and not willing to work he is very soon put ashore. Every day adds to the expense of the vessel. Every man on board is interested in having his time turned to the best advantage, and every father on board is anxious to have his earnings to his credit when the cargo is discharged. But the hon. gentleman says, how do you know when a vessel has the right to come in to be discharged? If she loses her masts or main boom or sails, or springs a leak, or goes on a rock, she must be discharged, unless she can get on to a marine slip. All these things the custom house officer is cognizant of and reports. He knows that if a vessel comes in in trim, with her sails and rigging all in order it is to land a cargo. If she has no cargo on board, he knows at once she is on a mischievous trip, and she is placed under surveillance, and if she does not report to the Customs House before 24 hours elapses she is liable to seizure. But I was amazed by the hon. gentleman from Halifax when he said in his speech on the Address that the $1.50 per ton which was paid by the American fishermen on their vessels, permitting them, he said to come within the three mile limit and thereby get six hundred or eight hundred barrels of mackerel, necessarily placed the fishermen of Canada in a false position. There is nothing of the kind in the treaty. He told us even that the American fishermen did not value the inshore fisheries; that they considered

them useless, and that if we were to open the whole of this delimitation to them over the Maritime Provinces, not one American fishermen would go inside of it. At the same time he has told us that for $1.50 per ton, an American fisherman could come in and take six hundred barrels of mackerel, on which he would pay no duty, while our fishermen would have to pay a duty of $2 per barrel.

HON. MR. POWER—I did not say that.

HON. MR. HOWLAN—I cannot help that. I did not make the speech, and here it is in the official report on the table :—

"But the *modus vivendi* proposed by the British plenipotentiaries after the treaty had been signed is more objectionable by far than the treaty itself. It provides that for a period not exceeding two years the American fishing vessels shall be allowed to purchase bait, ice, seines, lines and all other supplies and outfits, to tranship their catch and ship crews; most important privileges which will enable the American fishermen to compete with our own fishermen in our own waters; and what is the consideration we receive for that two years' grant? It is a license fee of $1.50 per ton. Canada has had experience of license fees already. In 1869 and '70 we had those licenses, but they were found so unsatisfactory that the Dominion Government refused to continue that system any longer. It was then found that as a rule American fishermen did not pay the fees, and—supposing they now pay—a duty of $1.50 per ton would amount, on an ordinary fishing schooner of eighty tons, to $120; and the same schooner, if she were fortunate in her venture, would probably catch—if she were after mackerel—from 600 to 800 barrels of fish, the duty on which would be from $1,200 to $1,600, so that while the Americans under the present arrangement pay only $120 license fee, our fishermen would pay on what that vessel caught an immensely larger sum. In the case of codfish the disproportion would be almost in the same ratio."

HON. MR. POWER—If my hon. friend will excuse me, he said that the license was to allow the American fishermen to come inside of the three mile limit, but the treaty does not say so.

HON. MR. HOWLAN—Then what do you pay $1.50 per ton license for?

HON. MR. POWER—The *modus vivendi* says that for certain purposes that license shall be paid, but it does not include the going inside the three-mile limit. The hon. gentleman had better read the Treaty.

HON. MR. HOWLAN—My hon. friend has done either one of two things: he has either attempted to impose upon his own ignorance, or to impose on the ignorance of the House. The hon. gentleman's statement is entirely misleading, because the $1.50 per ton does not permit an American fishing vessel to come in to catch fish, but to procure ice and bait. It is such ideas as this, spread broadcast over the country, that leads people to wrong conclusions. It seems to be a sort of fixed opinion in the minds of people of this portion of the country, that if a man comes from the Maritime Provinces he must necessarily know all about the fish and the fisheries. On the same principle a man who lives near a court house would be supposed to have a good knowledge of law, or near a college of medicine he must be a doctor. My hon. friend says in the first place that the Americans do not want the inshore fisheries at all, and will not pay a license to acquire the privilege. In the next breath he tells us that an American fishing vessel can by a payment of 120 dollars license fee come into our inshore fisheries and secure a cargo worth 1,200 dollars.

HON. MR. POWER—My hon. friend persists in stating that I said the United States fishermen would go inside of the limit for those fish. I did not say so. What I meant was that the American fisherman after getting his bait would take his purse seine outside of the limit and get his 600 barrels.

HON. MR. HOWLAN—I will read the hon. gentleman's words again :—(quotation from Official Report read again). It is just on such statements as this fault is found with this Treaty. But we were told also that we would have a great source of trouble and annoyance if we allowed those vessels inside of the three mile limit at all, and would it be

believed that this gentleman was liberal in his views and ideas—he would not allow the vessel inside of the three limit even if the Captain was dead or had small-pox on board—not on any consideration. He would send a vessel from the Straits of Canso to Boston without bread or light or matches on board. When these facts were brought to the notice of the Canadian Government they did what they should do under the circumstances. But does not American fisherman going to our ports to buy supplies leave money among the people of the Maritime Provinces ? Does it not necessarily lead to giving work to some of our foreign ships, to the carrying of salt, and to our trades people the making of barrels and other articles of commerce ?

HON. MR. DEVER—If the treaty for the last 70 years was virtually worth nothing, how does it comes that the Americans were not permitted to enjoy those privileges.

HON. MR. HOWLAN—My hon. friend asks me if the treaty was worth nothing for the last 70 years, why were the Americans not permitted to enjoy these fisheries ?

HON. MR. DEVER—You said this treaty had nothing in it for the Americans, and yet for 70 years the Americans were excluded from our fisheries under it.

HON. MR. HOWLAN—Then why do you complain of the treaty if there is nothing in it ?

HON. MR. DEVER—I say there is something in it. I made a note where the hon. gentlemen said the treaty is worth nothing and that consequently we are giving nothing away. If we are giving nothing away, why were the Americans excluded for 70 years from privileges which were worth nothing ?

HON. MR. HOWLAN—We were told another thing which was very fully answered by the hon. gentleman from Richmond—with regard to the allegation that we were offered in 1886 that which we accepted in 1888. That was told us by a gentleman who was a member of the Government when the Halifax convention took place. He was a very influential member of that Government—the Secretary of State through whom all the correspondence came. He had Sir Albert Smith and other advisers and Mr. Davies of the other House and Mr. Doutre the celebrated Counsel on behalf of the Government and if they could then have got this concession that they were contending for all along why did they not accept it ? We were told there were hundreds and thousands of cases of harsh and cruel treatment under this treaty. One would think that the people of Nova Scotia and New Brunswick and Prince Edward Island were all turned out and drilled and equipped with guns at every port, in every harbor, and along the shores for the purpose of shooting American fishermen. I have no doubt that the tales told by the hon. gentleman from Ottawa will go broadcast through Ontario and people who read it will say what a terrible people they are down in Nova Scotia. There was, Senator Scott said in the Senate the other day, that hundreds and thousands of people were ill-treated on the coast of Nova Scotia, and it was not gainsayed in the Senate. Then they take the hon. gentleman's statement in contradistinction of the treatment of Canadian fishermen in the United States, that there were no seizures of Canadian vessels in American harbors, and no harshness. It is just about two years ago that a fishing smack belonging somewhere about Yarmouth, Nova Scotia, having made a good catch of mackerel on the outside fishery ground, sailed for Portland, and opened up her hatches, and was doing a thriving business. By twelve o'clock the same day the vessel was seized and the mackerel confiscated for not reporting to the customs. The idea that you can go into any port in the United States and evade the customs laws is absurd. All I can say is that I have gone in there in a vessel and the anchor was hardly down before the customs officer was on board. I remember the first time I went to Boston we anchored in a wrong place, and $400 of a fine was demanded of us. We are told that that

is nothing at all, but these crnel barbarians down in the Maritime Provinces who rob, shoot and destroy are the ones who are guilty of all the cruelty. Then the hon. gentleman referred to the memorial of 1870 from Prince Edward Island, which I signed, and very properly at the time. They were my opinions at the time. and are my opinions now, namely: the freest intercourse should be afforded to American fishing vessels. In 1870 Prince Edward Island was a separate province, an independent colony—at all events during certain months of the year we were a very independant colony, when there were no means of getting to or from it, and we had to deal with this matter on its merits It is because I did that then I should refuse to do it now. All I can say is this the experience since then up to now convinces me I was right and if I wanted to be convinced what greater influence could be used than the fact that Sir Charles Tupper and the gentlemen who were with him came to that conclusion. Now behind this matter altogether, I take it there is no person in Canada but believes that is necessary in the interest of good Government and the reputation of our people for hospitality, that we should on the very best terms possible with our neighbors, and if we have found a way to do that surely we should follow it. We are told that if the treaty does not pass in the United States the *modus vivendi* is there. Everyone knows that in the short period there will be a political convulsion in the United States. At the same time there will be no such convulsion here and it is impossible to carry treaties unless you are willing to meet the views of those with whom you have to arbitrate; and therefore I say that if we settle these differences in that way, even supposing that the United States do not ratify the treaty there is one thing to be said at all events, and it must not be forgotten, that west of the State of Massachusetts there is very little interest taken in the fisheries question. Last year and the year before I was in Washington and spoke on the subject to a good many public men all of whom agreed that there were only some 600,000 people interested in this fisheries question, but they added "nevertheless, we do not want to have our people trampled on." What do we say now? There is a door open for you; if you do not pass the treaty there is a *modus vivendi* to give you time to instruct the people and to develope a more healthy public sentiment. When such a sentiment prevails in the United States I think that they will see that there is no foundation for the charge that the people of Canada have acted in an unkindly manner towards the people of the United States. It will be seen that we have no wish to be otherwise than friendly, because we say to them, "we give you two years more to ratify the treaty": does that look like injustice? It is the answer of the healthy public sentiment of Canada to those who, for political purposes, have worked up this excitement in the United States. Therefore so far as that point is concerned this Treaty is a gain. My hon. friend says if we lose nothing by giving the Americans this Treaty, why have we excluded them from these concessions since 1818? Well we have not excluded them. There was a treaty for ten years, and that was extended for two years. Then we allowed them to come in under license and at last for nothing. We are told that we have given away a good deal. What have we given away? We have established an imaginary line as a fixed line of delimitation. That is one thing: there is no give away there. On the contrary we have increased our mileage and acreage of water. But suppose we have given something away?

Hon. Mr. DEVER—Then you have given away something?

Hon Mr. HOWLAN—Take that ground if you will: we allow those people to come inside the limit for $1.50 per ton.

Hon. Mr. POWER—No, we do not.

Hon. Mr. MILLER—They are not allowed to come inside the three-mile limit under any condition.

Hon. Mr. HOWLAN—They are allowed to come in under a license to buy bait, ice, seines, etc., that is for two years.

HON. MR. POWER—But they are not allowed to fish there.

HON. MR. HOWLAN—I did not say that they are, but my hon. friend from Halifax says that they are.

HON. MR. POWER—I never said that.

HON. MR. HOWLAN—Here is the hon. gentleman's speech which he admits he revised himself.

HON. MR. POWER—The speech does not say it.

HON. MR. HOWLAN—What are they going to pay the $120 for?

HON. MR. POWER—I do not feel that I am called upon to give the hon. gentleman information as to the methods in which the Americans fish; but I presume that an American schooner would go into North Bay for instance and with her purse seines catch 600 barrels of fish, and then send them to the United States market from which our fishermen are excluded unless they pay duty.

HON. MR. HOWLAN — What did the hon. gentleman mean by the remarks which I find in his published speech and which I quoted a few minutes ago? Now is the right of fishing inside the three mile line what they pay $120 for? Then we have fault found with the clause with regard to the mode of treating forfeiture in case of breaking the law, and we have listened to a good deal to statement about marine law in connection with that. It only shows that there is no basis for argument. If a vessel breaks the law she is to be tried. The course of procedure is pointed out here, and all this thing is done in a spirit of friendship and fair play, showing the wish and desire of the people of Canada to have the very best understanding that they can come to under the circumstances. I do not wish to weary the House any longer. The very views which have been placed before us here for the last two or three days with reference to the treaty have been taken up in this paper. The *Herald* takes them up item by item and says there is no ground for them. It says in the face of the facts made by England if the fishermen now take the law in their own hands and break the laws they must submit to the consequences; neither the public sentiment nor the Government of the people of the United States shall be exerted on their behalf because Canada has shown a friendly spirit. When the question has come to be decided before a tribunal it has been found that the statements that appeared in the press had no foundation in fact. In that respect at all events we have put the question beyond a doubt. The fisheries question has always been a source of annoyance, and to think that after this arrangement has been made that American vessels will come in and break the laws is an assumption which is not warranted. It is derogatory to the ability of those who framed the treaty. In fact no intelligent man can come to the conclusion that the treaty is so loosely worded that it is susceptible to any such interpretation. So far as I am concerned I am glad to see this settlement and that we have got rid of these annoying questions between both countries.

HON. MR. DEVER—No.

HON. MR. HOWLAN—My hon. friend does not want to have a settlement. He seems to be dissatisfied unless there is to be a row over it. I say it will be satisfactory to all who are interested in this matter, and I have no doubt that out of this friendly settlement will spring a better feeling between the people of the United States and ourselves and that for many years to come no blue books will be published containing this angry correspondence which has been passing for some years between the two Governments. It is a consolation to our Government to know that this treaty meets with the approval, at all events, of the ablest writers in the United States and also of the people of Canada.

HON. MR. MACDONALD (Midland)—So very much has been anticipated that I intended to say, that my remarks must necessarily be very brief, and what has been said has been stated so very

much better than I could have put it, and the ground has been so amply covered that if I reiterate, as I must necessarily do to some extent, some things which have been said I am quite sure I will have the indulgence of this House. Last evening, as I listened to the Debate, not being mixed up in any of the political strifes in this Chamber, if there have been such, and perhaps able to judge of the Debate with a little more calmness than those who have been so mixed up with them. I am free to confess that I failed to observe in the remarks of the hon. gentleman from Ottawa any cause for the exhibition of temper which they then called forth. With that solitary exception I listened to the admirable speech, as I am sure the House did, so instructive in its character, of the hon. member from Richmond. I regretted also this afternoon that I was compelled to leave the House while the honorable the senior member for Halifax was on his feet, because he said some things before I left on which I had occasion to differ from him. In the first place the hon. gentleman said he would not give credence to American fishermen. Now, I think that a very unfortunate statement. It is just such statements going out and evidencing that we have no faith in the people on the other side of the line that make the framing of treaties more difficult. I am ready to assert, though I do not know much about American fishermen, that, placed under precisely the same circumstances with our own fishermen, their veracity will be quite as good as that of our own fishermen. I know something about American merchants, and I know that there are no higher toned or more honorable men on the face of the earth, and it may be regarded as a safe rule that if you find the standard of one class of a community to be high, you are likely to find the same rule pervading all classes.

HON. MR. KAULBACH—They are nearly all Nova Scotians.

HON. MR. MACDONALD (Midland)—The hon. member from Halifax also said that there was no feeling among the people of the United States in reference to the enforcement of our rights.

HON. MR. POWER—I did not say that.

HON. MR. MACDONALD—I took down the hon. gentleman's identical words : he has very likely forgotten them. I took down the words verbatim.

HON. MR. POWER—The hon. gentlemen will find that the official reporter has not got it down that way. What I said was that outside of a certain limited sphere—outside of New England and outside of certain politicians who were looking for the Irish vote, there was very little feeling.

HON. MR. MACDONALD—It so happens that I heard the representative in congress for Maine and consequently the representative of the Maine fishermen use these words at the Boston banquet, and they are simply indicative of the kind of feeling that pervades that entire country :—

"It is impossible for a feeling to grow and be developed in this country—the United States—such as has been alluded to to-night, and in which we all most cheerfully share, while there is being held over vessels of the United States, authorized by our laws to touch and trade, such a barbarous rule as that which is unknown to any civilised nation for the last forty years."

That will give some kind of idea of the feeling that exists upon the subject. Now I am free to confess that I am in perfect sympathy with every hon. member who describes the treaty of 1818 as a disgrace to our country. There is no such treaty existing to-day between any two civilized nations. The treaty of 1783 was made when England was weak, when it was impossible for her to open the questions which would limit the fishing advantages of the American fishermen. The treaty of 1818 was made when she was strong, but what she had gained in strength she had lost in magnanimity. I contend that there is not an enlightened nation on the face of the earth to-day that could go to any other nation to make a treaty and say it shall consist only of these four clauses, viz.—to enter for wood, water, shelter and repairs. If there is any other classification as to what these clauses mean I cannot find

it. I believe it is well understood that cases have arisen where vessels have gone into port for coal and have been refused simply because coal was not indicated in the Treaty. Now that may be true or it may not, but I am told that it is the case. I am not going to speak of civilized nations, but I will talk to you of barbarous nations. There was a treaty made in 1854 between the United States and Japan, a kingdom that had isolated itself from the rest of the world voluntarily for 300 years. What are the points of that Treaty? Article two provides, after particularizing the ports into which vessels might enter, that they can be provided with wood, water, provisions, coal and other articles that their necessities may require as far as the Japanese may have them. That is a pagan nation. Article six provides that if there be any other sort of goods wanted or any business which will require to be arranged, there shall be careful deliberation between the parties in order to settle such matters. Article 9 provides that if at some future day the Government of Japan shall grant to any other nation or nations privileges and advantages which are not herein granted to the United States and the citizens thereof, the same privileges and advantages shall be granted likewise to the United States and its citizens without any consultation or delay. Now, I maintain that if we were to take these two treaties, and by them judge of the Christianity or paganism of the two, that the weight of evidence, as far as Christianity is concerned, would be in favor of Japan. If this Treaty of 1818 is so faultless, I am at loss to understand what great advantages we derive from parting with it, but it is only because I believe it to be a treaty, as the Secretary of State has described it, full of inconsistencies and full of incongruities and constructions placed upon it which have lead to constant strife and irritation, that I for one hail with delight the period when it shall pass away forever. I was greatly impressed with the fact in connection with this treaty that the President of the United States himself says, that he it was who availed himself of the opportunity of opening up communications with our own Government for the settlement of this long and vexed question. I think therefore that we have it placed on record that the President himself took the initiatory step, and in reviewing the treaty he speaks of as being full and ample, making all the provisions that their fishermen could demand and being based on such principles of equity as were likely to secure for both countries a long and abiding peace. I do not at all join in the statements that have being made about the Commissioners. I do not at all join in any of the detracting sentiments which have been uttered in reference to Mr. Chamberlain or any other of the distinguished men who have had a part in the framing of this treaty. I noticed that Mr. Chanberlain himself says "we have gone to the very root of the irritation," and he says "every case of seizure, fine and condemnation which has been brought up during the year 1886 and 1887, which thereatened to disturb the peaceful relationship of both countries has been thoroughly examined," He tells us that if this treaty had been in operation in the biginning of 1886, of all these cases of interference with American fishing vessels there would not have been six—I do not believe there would have been two—and yet it has been claimed that nothing has been settled, that Canada has conceded nothing in order to secure friendly relations with the United States. Reference has been made, and I think unfortunately, to the American blue books as being unreliable authority. I think these statements are exceedingly unfortunate, and particularly coming from this Chamber. It was only the other evening in the other Chamber, that our own Trade and Navigation Reports were brought into discredit when compared with the Trade and Navigation Reports of the United States, because a great discrepancy was found to exist between these two reports as to the matter of exports from British Columbia; it was contended that the American reports were the more reliable.

Now I think it a great pity that discredit should have been attempted to be thrown even in this matter upon the American blue books which are, I take it, quite as reliaable as our own. For the seizures under the treaty of 1818, I do not think the Government is responsible.

If the treaty is to be interpreted literally, and the Government in fulfillment of the law carries out the law literally, seizures must be made and fees must be imposed and condemnations must take place. I am only glad that this treaty provides a remedy whereby these in all probability will likely be swept away for ever. I wish to say that so far as the treaty is concerned it has my most hearty concurrence. Opportunities for great achievements come very slowly, and come very rarely in the history of individuals, and rarely in the history of communities, and rarely in the history of nations. A great opportunity has reached us. Men have sat down and approached irritating subjects with a calmness, with a patience and with a consideration which must command the attention and the admiration of all men who will judge their efforts impartially, and I look upon this treaty as the harbinger of a better state of things, as the opening of a brighter day, as the cementing of a close friendship and the continued increase of commercial relations of those two great English speaking nations of the earth. I know it has been said by some of the enemies of this treaty, "Why cannot you renew the treaty of 1854?" The people of the United States would not renew the treaty of 1854. It has been said, "Why not renew the treaty of 1871?" The people of the United States would not renew the treaty of 1871. It is said that that treaty had with it a money compensation; it had been said that these fisheries were worth $500,000 a year, and you are giving away $500,000 a year. It is quite true that that treaty brought $500,000 a year, but it brought no confidence, no kindliness of feeling and no friendship. We have heard the arrangement described as a swindle. I have it described as a fact that the Canadian Commissioners outwitted the American Commissioners, and that the five and a-half millions was a downright swindle. This Treaty brings with it the feeling of friendship, the feeling that the policy is magnanimous, a policy cemented by friendship, and it is worth infinitely more than $500,000 a year—many times told. I simply rose to say how heartily I approve of this Treaty, how earnestly I will give it my support. I know it has been stated that the Treaty of 1818 should have been used as a lever to extract from the American people commercial advantages. If the Treaty of 1818 is, as I believe it to be, an unwise treaty, if the Treaty, as I believe it to be, is a treaty that does not do us credit; if the Treaty is such a treaty, as I believe in the advancement of that comity which has been prevalent amongst nations for so many years, it should have been abrogated long ago. Why should we seek the advantage, while removing that which is wrong to secure that which is good? I hold that our own policy in this matter will make any subsequent actions of ours with the United States infinitely more easy, and that when we have adopted the magnanimous policy we may fairly expect them to adopt it towards us. I do not know that I have anything more to add beyond stating how fully I concurr in the treaty, and how glad I am to see the day that it is presented to this Chamber, regarding it as I do as the most important step that has taken place in the present century in cementing the bond of a friendship between these two great nations, which will be not only strong but abiding.

HON. MR. POIRIER—I am happy to see that the hon. member from Midland, after having agreed that the treaty is a necessary one, has not abused the Government for having proposed its adoption. He is, I believe, the first hon. gentleman on that side of the House who has frankly admitted that the treaty, being a good treaty, the gentlemen who brought it about deserve credit for it. But I would not qualify the treaty of 1818 in such hard words as have been used in regard to it. I find a great deal of difference between the arrangement then made between the two great English-speaking people and the arrangement that has existed for 300 years in the land where the Mikado flourishes with the civilized nations of Europe. We must remember the circumstances in which the treaty of 1818 was passed. England had just barely escaped losing her North American Provin-

ces. During the Napoleonic war the United States had invaded us, and it was through the patriotism of the Canadians that this country was saved to the British Crown. The condition of the province was perilous then; and England under the treaty of 1818 had but this purpose in view: To protect, with maternal solicitude, a colony in its infancy. England knowing then, as it does now, the value of our fisheries, and knowing that we were utterly unable to defend them, having no navy, simply put in such words of protection as would effectually secure to us our fisheries for all time to come, and here are the very words which have elicited so much reprobation:

"And the United States hereby renounces forever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above limits, provided, however, that the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever."

Hon. gentlemen will see that that Treaty affords us all possible protection for the guarding of our fisheries except such concessions as are dictated by motives of humanity. Those motives of humanity which have been so commended are to be found here in the Treaty of 1818. England contracted to stand always by us, to protect us by that Treaty which was to endure for ever. She guards us from the intrusion of our neighbors, except in cases of humanity and for purposes of civilization. Therefore this Treaty is not so cruel a one nor so uncivilized a Treaty as has been stated by some hon. gentlemen. It is a Treaty that England, foremost of all nations, and knowing how to protect her colonies wanted at that time for our very existence. But I will admit that Treaty to be now antiquated, and I will further admit the necessity of a change; and admitting it, how can we say that the Treaty which is before us at present does not come in proper time, if we take the old adage "It is better late than never?" The hon. gentleman from Halifax, in his remarkable speech said that if we had had three Commissioners like Sir Charles Tupper we would now have a different treaty. I would like to ask my hon. friend what sort of a treaty he would desire to have. We would have a different treaty: how? More stringent against the United States? More liberal? More protective of our fisheries? Or one that would give them away? But what was Sir Charles Tupper to do in the United States? Was he and his colleagues to take 65 millions of people and hand them over to us, hand and feet bound, with their president for us to destroy on the altar of our country? That was not their commission. They went there to arrange a treaty, and that treaty was to be nothing else but the treaty of 1818 applied to the present state of civilization and to our mutual present requirements. They did not go there to give every thing away nor to take in every thing; they went there simply to meet this cry of barbarity which does not in reality exist. Did they succeed? How was the treaty of 1818 to be modified in order to apply to the state of civilization that now exists? Supposing the Commissioners of 1818 were to sit now, how would they frame their treaty in order to protect us? I believe that the treaty as proposed to us here is just the treaty of 1818, but applied to our present status of civilization.

A great deal has been said of concessions by us, and that no concessions were made by the United States. Before going to that, I will ask this hon. House whose fault it is that we are under the necessity of negotiating a new treaty? Which nation has forced the other to fall back on the treaty of 1818? Is it Canada or is it the United States? Hon. gentlemen know that the reciprocity treaty of 1854 was abrogated on the demand not of Canada but of the United States. After the treaty was abrogated, what were we to do? No war had occurred between England and the United States, since 1818, and therefore the treaty was still in existence, for unless a war occurs a treaty is only abrogated by another treaty. It is still in existence, and therefore we had to fall back on it. The United States had our fisheries, they had our markets, and they wanted more. Then came the Washington treaty

of 1871. That treaty was to exist for ten years, and on two years notice by any of the contracting parties, it was to be abrogated. Who was it asked for the abrogation of the Washington Treaty ? The United States again. Everything had been running smoothly under that treaty. We were satisfied with it. The Americans had no reason to be dissatisfied with it, but they wanted not only to enjoy the golden egg, but to possess the hen that laid it ; and they demanded the abrogation of the treaty which they had a right to do. That was under the terms of the Washington Treaty. But what happened ? It happened that this Government in its desire not to treat our neighbours with inhumanity and barbarity, but with a true desire to deal with them liberally, granted to the United States, poor as our country is, a gratuitous gift of half a million dollars in money—that is to say, a six months' privilege of fishing in our waters,which had been valued at over a million of dollars a year. We gave this wealthy nation in this way—a nation whose coffers are overflowing with money—a gift of half a million dollars, to show that we were not barbarians, but on the contrary to induce them to come into peaceable negotiations with us. That did not satisfy them. Proposals were made but were not accepted—they were refused by the United States—that is, by their Senate. The present Democratic Government and the Executive stood by their word, but it was of no effect. After this free gift of six months fishing, the Americans having abrogated the treaty, and not having come to any other arrangement, what were we to do ? Nothing but what they would have done in our place—fall back on the treaty of 1818 and protect our fisheries. Therefore, if we take into consideration what preceded and brought about these consequences, it is clearly apparent that the acts of rigor which we exercised were not made in a spirit of provocation and not even in the spirit to force our neighbors into concessions, but in a spirit of self-protection. We cannot afford to give, gratis, over one million dollars a year to our neighboring country. It was the duty of the Government to act as they have acted, and what have we seen? We have seen first,the Government clamored against for their gift to the United States and we have heard said that they had no right to give away our fisheries for six months for nothing. What do we hear now ? We hear all over the country, even from the same gentlemen that the Government have acted in an uncivilized and barbarous way towards the United States. Those opinions have varied and changed according to the places, the times and the individuals. There are in fact as many opinions as there are individuals constituting the loyal opposition to Her Majesty's Government *tot capita tot sensus* ; and even in the same individuals there are marvellous differences of opinion. Now the Government have finally made a treaty which has been shown as that of a friendly country with another friendly country, such as would exist between neighbors, a treaty of mutual concessions. But again people say there were no mutual concessions ? That the Canadian surrendered everything and got nothing in exchange. It is true that viewing the little extract I have read of the treaty of 1818 there are concessions in only one way : but to find what concessions have been granted from one side to the other we must suppose the contentions of both parties to be written. Now what were the contentions of the Canadians ? The contentions of the Canadians, as put down in the Treaty of 1818 were that, Americans had no right to come within the limits of our territorial waters except for certain laid down purposes. There was also the difference as to the three mile limit. That three mile limit had actually been conceded to the United States in 1845 when the entrance to the Bay of Fundy was granted to them. Many hon. gentlemen will remember that from 1845 the mouths of the bays wider than six miles had actually been given away to the United States.

As the hour is late and the debate cannot be closed to-night, I beg to move the adjournment of the debate until Monday, and that it will be the first order of the day.

The motion was agreed to.

The Senate adjourned at 10 p.m.

THE SENATE.

Ottawa, Monday, April 30th, 1888.

THE SPEAKER took the chair at 3 p.m.

Prayers and routine proceedings

BILL INTRODUCED.

Bill (K) "An Act for the Relief of William Henry Middleton. (Mr. Clemow.)

THIRD READINGS.

HON. MR. DICKEY, from the Committee on Railways Telegraphs and Harbours, reported without amendment the following Bills, which were then read the third time and passed:

Bill (46) "An Act to amend the Acts relating to the Manitoba and North-Western Railway Company of Canada." (Mr. Girard.)

Bill (83) "An Act to amend the Act to incorporate the Moncton Harbour Improvement Company." (Mr. McClelan.)

THE BANK OF UPPER CANADA.

MOTION.

The order of the day having been called—

That a Select Committee be appointed to enquire into, and report on the disposition of all the remaining assets of the Bank of Upper Canada (which, according to the Report of Sir John Rose, Minister of Finance, of date 19th March, 1869, would amount to upwards of half a million of dollars). The said Committee to be composed of the Honorable Messieurs: Abbott, McInnes, (B.C.), Macdonald, (Midland), De Boucherville and the mover.

HON. MR. ABBOTT said: Before my hon. friend (Mr. Alexander) puts this motion I shall feel it my duty to call attention to the fact that there are strangers in the Chamber. I have observed already during the present session, and it is a matter of history in connection with this Senate, that motions of this description have been on more than one occasion made, apparently with a view of placing upon record charges against gentlemen for whom we all hold the highest respect and esteem and of causing the circulation of those charges by means of the reports of our Debates throughout the Dominion. I do not, for my part, think it is advisable (and I hope the House will be of the same opinion as myself in this respect) that facilities should be given to the promulgation of these thrice repeated and thrice refuted charges by these means. I therefore call your attention to the fact that there are strangers in this Chamber.

The Chamber was accordingly cleared of strangers.

THE FISHERIES TREATY.

DEBATE CONTINUED.

The Order of the day having been called.

Resuming Debate on the motion of the Hon. Mr Abbott for the second reading (Bill 65) Treaty between Her Britannic Majesty and the President of the United States.

HON. MR. POIRIER said—When I left off on Friday, I proposed to show that both countries had made concessions. I will now commence by referring to those which have been made by Canada. We relied on the treaty of 1818: we claimed that the Americans had no right to enter our bays and harbors for the purpose of fishing, thus making a distinction between trading vessels and fishing vessels. We claimed that fishing vessels had no right to enter our bays and harbors for any purpose whatever, except for shelter, repairs, wood and water. Now, by this treaty we exempt them; 1st—When entering our harbors for any of the above four purposes, from reporting or clearing at the custom houses; and we also exempt them from compulsory pilotage and harbor dues, buoy dues, and like dues, when not remaining more than 24 hours and not communicating with the shore. This they had no right to claim by a strict interpretation of the treaty of 1818. I will ask any hon. member of this House, especially those who com-

plain of the harshness of the treaty of 1818, if those concessions should not be made. They have been demanded by the President of the United States, who, in all these controversies has shown himself friendly to us. In one of his correspondences he said that "no feature of the Canadian administration was more harassing and injurious than the compulsion on American fishing vessels to make formal entry and clearance on every occasion of their temporarily seeking shelter in our ports and harbors." I believe from a humanitarian point of view, Canada was bound to make this concession, especially when, through this concession, our fishermen lose nothing. If the fishing vessels remain in our bays or harbors longer than 24 hours, or if they communicate with the land,they will have to be dealt with as ordinary trading vessels, but not otherwise. 2nd. We allow them to obtain licenses and facilities for the purchase of casual or needful supplies such as are ordinarily granted to trading vessels, but on their homeward voyage only. This is a concession which indicates the spirit which actuated our commissioners. The Americans are not allowed to purchase provisions and supplies in any case for the purpose of using them to catch our fish : they are only allowed to buy them on their homeward voyage. I think the concession is really beneficial to us, because it affords our people on the coast an opportunity to dispose of goods, provisions and supplies which cannot be used as against our fishermen. The more we can sell to the Americans, when the articles sold will not be used against us, the better for our tradesmen and our population generally, and therefore this, which appears to be a concession, is really a benefit conferred on our own people.

Another aspect of the case is this : our vessels trading in the United States have got that privilege, not only on every every commercial voyage, but on all occasions of buying supplies and provisions ; and therefore it is not only meet but equitable that we should grant to our neighbours that which is granted us by them.

3rd—"Under stress of weather or other casualty they may unload, reload, tranship or sell, subject to Customs regulatons and laws, all fish on board, when such unloading, transhipment or sale is made necessary as incidental to repairs."

This, hon. gentleman will admit, is another humane concession and nothing else. It is not in accordance with the spirit of the age that two neighbouring, friendly countries should dealso severely and regidly towards one another as to allow cargoes to perish for want of licenses to tranship such cargoes to the country from which the masters of the vessels hail. This is such a concession as should be granted.

4th. "They may replenish outfits provisions and supplies lost or damaged by disaster."

This is a great concession made to the fisherman of the United States ; but our fishermen will loose nothing by it. It is another humane concession which those who have regarded the Treaty of 1818 as being to harsh will admit to be just and meet.

5th. "In case of death and sickness they shall be allowed all needful facilities including the shipping of crews."

Another humane concession which everyone will readily grant.

6th. The free navigation of the Strait of Canso is not to be interfered with. A great deal has been said against this clause. I will ask any hon. gentleman in this House or in the other House if we could have prevented the Americans from passing through that thoroughfare through which all the nations of the world pass. I will ask hon. gentlemen if we could or should have any treaty with the United States by which that country was not treated as the most favored nation? They would not have submitted to it, and although they have no right to the use of the Strait of Canso they have custom for it, they have prescription in their favor.

HON. MR. MILLER—Would the hon. gentleman allow me to add one remark? It was simply necessary to mention that the Gut of Canso in the Treaty, because by the delimitation of Chedibucto Bay they could get into it.

HON. MR. DICKEY—The description of Chedibucto Bay goes from the mainland to the Island of Cape Breton.

HON. MR. POIRIER — Therefore they would have been shut out.

HON. MR. DICKEY—Yes.

HON. MR. POIRIER—In the Treaty there is no alienation by us of any property in the Strait of Canso. The Treaty simply says :

"Nothing in this Treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States."

There is not a word of grant there ; It simply says that the navigation will be left as it was before. We give them nothing by this; we simply continue them in the privilege the have enjoyed heretofore of crossing through this strait, because I say, no treaty with the United States would have been possible without granting them the privilege of passing through the Strait of Canso, with the rest of the world.

7th. The right of being tried at the spot where the offence was committed and not at the Admiralty Courts of Halifax or St. John or Quebec. This, I will admit, is not very dignified for our Courts : but in view of the circumstances and of what was complained of by the fishermen of the United States, I suppose our commissioners had to grant this concession ; but again there is nothing in it by which our fishermen will suffer. It is simply a matter of international courtesy and our fishermen will not be injured by it. These are all the concessions I find in this Treaty that have been made by us to the Americans ; they are seven in number. There is no doubt they are very valuable to the Americans ; but are they detrimental to us, that is the question? I see none that are. Our fishermen will not fare the worse for them. They will lose nothing by them. Our fisheries also are kept secure. Our national inheritence is protected ; and one of those clauses, the second in this enumeration, is undoubtedly very favorable, nay valuable to our fishermen, under color of being a concession made to the United States.

Now, did the United States grant us anything, and if so, what did they grant? We Canadians were standing by the Treaty of 1818, strictly interpreted and applied. Such was not the case with the United States. They have challenged that Treaty. They have deemed it obsolete ; they have maintained that the temporary arrangements we have since made with them, the commercial arrangements of 1830, the Treaty of 1854, the Washington Treaty of 1871 superceded, as it were, the Treaty of 1818, and that practically it did not now exist. They maintained that they now stand before us in the same position as we stand towards them —that is, that the privileges accorded by them to our trading vessels ever since 1830, were to be extended by us to their fishermen. Now, supposing these pretentions to have been written down, they have receded from them ; and we will now see where and to what extent. 1st. The Americans have conceded to us the right of excluding them from buying bait. I need not go into any length to show the importance they attach to that concession. The hon. gentleman from Richmond the other day gave us a very elaborate and exhaustive view of this question, showing us what price the Americans put on the privilege of buying bait from our fishermen, in our harbors. To give another example of the importance they attach to the purchase of bait, which my hon. friend has forgotten to mention, I will point to the fact, that in one instance, in Newfoundland, where the Americans were refused in one single port the privilege of buying bait from our fishermen the Americans made a demand on the English Government for $25,000. By this treaty they have abandoned that pretention ; they allow us to prohibit them from buying bait from our fishermen, and therefore, to a great extent, to deprive them of the fisheries of the high sea, as the hon. gentleman from Prince Edward Island has shown the other day, which fisheries they cannot well carry on without fresh bait, and that bait can only be had in the ports of Nova Scotia and Newfoundland. That concession alone, I imagine, is worth all the concessions we have made to them.

HON. MR. POWER—Does my hon. friend contend that under the treaty of 1818 the Americans had the right to buy bait ?

HON. MR. POIRIER—No, but my hon. friend has not followed my argument, or I have not expressed myself clearly. I said that they contended that the treaty is practically out of date now, and has been superseded by other arrangements, and they start from another standpoint.

HON. MR. POWER—They did persist on that ground.

HON. MR. POIRIER—Yes, but they are receding now. 2nd. For years they maintained that they had the right or should have the right of transhipping their cargoes. We have refused them that right, except in case of calamity; therefore it is another valuable concession by them to us. For if they could use our ports to effectuate the transhipment of their cargoes you know the consequence. They could immediately unload and lay in new supplies and start again to the fishing banks, set their nets and have a double advantage over that which is accorded to our fishermen. Therefore it is a valuable concession which is refused to them, and therefore accorded us.

HON. MR. MCINNES—It is the concession of a privilege they never before possessed.

HON. MR. POIRIER—That was a matter of controversy. Where one party recedes from the position he undertook to hold, and grants to the other party his point, it is a concession.

3rd. They are refused the privilege of transshipping their crews, except as we have seen, in cases of disaster, death or sickness. In the latter emergencies, I maintain that they should have been allowed that privilege irrespective of the Treaty of 1818; and I think our Government ought to have and practically I believe they have allowed the American fishermen to transship their crews in similar circumstances. Such concessions are of a humane and civilized nature, and should in practice be adopted irrespective of any treaty.

4th, they have ceded us the right to prohibit them from fishing in bays ten miles wide at the mouth.

HON. MR. MILLER—Would my hon. friend say, in view of the treatment accorded the other day to our fishermen in the United States, and our laborers going in there to find employment, that it is harsh on our part to refuse American fishermen to ship crews in those vessels.

HON. MR. POIRIER—Even in the face of treatment of that kind, which is unwarranted on the part of the Americans, we should respond by an act of generosity, and allow American fishermen to transship crews. I say they grant us their being restricted from entering any of our bays ten miles wide at the mouth. The held heretofore to the right of entering all our bays wider than six miles, that is they adhered to the three miles limit, strictly, according to the indentures and sinuosities of the shore. This the minister of England had practically conceded, not only in their despatches to Admiral Wellesley in 1870, but from the time the Americans were allowed the privilege of entering the Bay of Fundy, in 1845, when the limits were narrowed down to six miles. This was not a pretention, it was a privilege actually enjoyed. After 1845, the instructions from the British Government were positively that no American vessel should be seized or interfered with further out than three miles of the shore, nor outside of any bays six miles wide at the mouth. What does this treaty do? It takes away from them that privilege, and all our bays under ten miles in width are protected to a distance of three miles out from that time. This is a great concession made by the Americans.

HON. MR. POWER—Will the hon. gentleman be good enough to let us have the authority for the statement so made.

HON. MR. POIRIER—I have not got the book or the page, but I have been reading the question over, and have jotted the points down in my notes as I read them.

HON. MR. MILLER—The authority is clearly given that England would not conced to our claim more than three miles from the coast. The instructions to Admiral Wolesley are the authority,

when he was commanding the American Station.

HON. MR. POIRIER — My hon. friend will admit my honesty in making this statement, for I have taken a note of it from official documents, though I have not noted the page.

HON. MR. MCINNES (B.C.)—Is it not a fact that the despatch merely allowed American vessels to enter without having any authority for doing so and for an indefinite time? There was no stated time, and that Order-in-Council could be reversed at the will of the British Government.

HON. MR. POIRIER—The proof that it could be reversed is that it is reversed by this treaty. The Americans will now have to abide by the convention of La Hague, which enlarges the width of bays which cannot be entered by foreign vessels to bays ten miles wide. We are under the same footing as the northern nations of Europe in that respect.

HON. MR. MILLER—And three miles to the seaward.

HON. MR. POIRIER—The distance counts three miles seaward from that line; therefore we have nothing to complain of in that respect, when we consider that practically before this treaty, the Americans could come within three miles of the shore, and inside of bays ten miles wide at the mouth.

5th, the Americans further grant us a mutuality of concessions—that is, they grant us all the privileges we grant them. I will now ask any hon. gentleman in good faith if the Americans have not really made concessions, and if those concessions are not in substance practically more valuable to us than the concessions we made to them, which latter are almost all in the interests of humanity, as I have already shown?

Therefore I believe our Commissioners deserve congratulations, for the arrangement they have arrived at, and I will extend those congratulations to Mr. Chamberlain. Mr. Chamberlain may be obnoxious to some people, but all will admit he is a very able diplomatist; and when the mission of a diplomatist ends so satisfactorily as it has in this case, I believe he is himself very little open to attacks such as I have heard made against him in this House and in other places. I find also that in the negotiating of this Treaty, efforts were made by our Commissioners to secure Reciprocity. Of course we all wish that we had reciprocity or more commercial intercourse &c., but we are also aware that it was impossible for our Commissioners to deal with that question. The Judicial Committee of the United States decided in 1885 that the President of the Republic has not the right to form any treaty by which the existing tariff of the United States would be changed or abrogated; therefore it was not within the jurisdiction of the Commissioners, and we must, consequently, not take that element into consideration. We must consider what the Commissioners went there to do, what they could do, and what they have done. I was exceedingly gratified in reading the offers made by Sir Charles Tupper to the Commissioners for reciprocity, to find that in his offer for free fish and free oil, &c., the three-mile limit is not sacrificed. Hon. gentlemen will remember how things were under the treaties of 1854 and 1871. The Americans had the privilege of our shores, and in the latter period especially, with the use of those destructive engines called purse-seines, they destroyed our fish on a large scale. They were doing with our fisheries what they had done with their own; and our fisheries would not have lasted many years if the practice had been continued. They would continue to take all the fish they could catch in those purse-seines, aud select from them the mackerel only, and throw away the herring and other valuable species of fish into the water to rot and to scare the other fish. I think it is a matter of congratulation, that if we are ever to have reciprocity of trade with the United States, our three-mile limit will not be sacrificed. I am specially interested in the three-mile limit question. Hon. gentlemen will know that the class of men who in the Maritime Provinces are engaged in fishing—the toilers of the sea as they

are called—are a class, a large proportion of them, that I am here supposed to represent, more particularly the French-Acadians. They are not the people who amass wealth out of the fisheries. They make a living out of it, a bare living if you like, but it is a living, and I am glad to see that that portion of their national inheritence has not been wrested from them. Once they were farmers, and I have read an English tourist in 1745 writing of them and saying that their culture of the soil was of a high order. I make no bitter reminisences, I am just relating facts. They were deprived of those lands from which they derived a thrifty livelihood in the Counties of Annapolis, Hants, Colchester and Kings, and they had to resort to the rocky ocean shore for a living, where for one or two generations they have existed by toiling on the sea, and on what fish they could catch. They lost during that period their traditions in improved agriculture. A very great number of them now get their living by fishing, and I should be very sorry if that portion of their heritage, the only one left some of them, was to be given away to the United States. Undoubtedly the same argument applies to other nationalities as well as the French-Acadians; and I have the same solicitude for them as for my own people. But I am here to represent them, more particularly and I congratulate the Commissioners on not having given up the three miles limit to the fishermen to the United States. Are we, for the sake of customs arrangements, to give away our wealth? We might as well ask the United States to give us their plantations in Florida, their oyster beds in Baltimore—to give us their wealth in exchange for tariff modifications. There is no comparison between giving a privilege of such an inferior nature and something so substantial. The Treaty of Washington, if it were to have existed many more years, would have ruined our fisheries. This treaty, whatever its destiny may be, will give a wholesome turn to matters, as far as our inshore fisheries are concerned. Throughout I am happy to say that our Commissioners have come to a satisfactory arrangement. The arrangement is a fair and reasonable one So say President Cleveland and Secretary Bayard. It is not a surrender on the part of the Canadians, as some of our politicians have announced in the press and in Parliament. It is not a give away by the United States of the wealth of the Atlantic to the Canadians, as the insatiable fish merchants of Gloucester have been clamouring. Nor is it a diplomatic triumph of one of the two countries over the other. It is the triumph of sound common sense over unreasonable and selfish ambitions; it is the triumph of good neighborhood, the triumph of civilization. If the United States have got the better—which I do not admit—is it not in the nature of things that the wolf quenching his thirst in the same brook as the lamb should choose the upper part? The ambition of the lamb in that case would be to secure peace with the wolf: there would be its triumph. In the same manner, in this treaty our triumph consists in securing a fair arrangement with the United States. If the United States do not adopt this treaty, all the worse for them: we shall have done our share in making liberal advances and concessions. And if, after rejecting that which is just, they should, relying on their numbers and wealth, attempt to force through the lines which delimit our legitimate inheritance and prey upon our natural substance, it will not be our fault if, behind their fleet, and in sound of their Atlantic cities, they hear, nearer and nearer, the mighty voice of the British cannon.

Hon. Mr. McINNES (B.C.)—Having at the opening of the session expressed myself pretty fully on this subject, and finding no occasion to change the views that I then entertained, it was not my intention to take part in the present debate, but in the course of this discussion statements have been made which, in my judgment, were utterly groundless and fallacious, and which ought not to go unchallenged. I must confess that it is with a great deal of diffidence I do so after the eloquent, learned and impassioned speech to which we have just listened. If my views were not thoroughly grounded, according to my light at all events, I would, like Agrippa of old, be almost persuaded by the hon.

gentleman who has just addressed the House. The hon. leader of the House, when introducing the Bill, made precisely the kind of speech that I expected he would—very much the same as that delivered by Sir Charles Tupper in the House of Commons—and I may also add, very much like that which afterwards fell from the hon. member from Richmond. They were all able speeches, for these hon. gentlemen never rise to speak without infusing a spirit of eloquence and enthusiasm into every subject that their great and well stored minds are brought to bear upon. I admit frankly, that they were able speeches—the ablest apologies I have heard for the wrongs inflicted upon the Parliament and people of Canada—apologies for what I consider the absolute surrender to the United States of a large and valuable portion of our inheritance, as I believe, I will be able to show before I resume my seat. Immediately after the leader of the House had spoken, the floor was taken by the hon. member for Ottawa. The House will remember his terse, eloquent, forcible and logical speech on this very subject in the debate on the Address in reply to the Speech from the Throne. On that occasion, I took the liberty of congratulating him upon it here in the House, and privately, and I know that he has received many letters of congratulation from people living hundreds, yea thousands of miles from Ottawa. I was surprised, and not only surprised, but actually pained when the hon. gentleman, without giving the least intimation or explanation why he had changed his views on the subject, rose last Friday and discussed this question from an entirely different standpoint from that which he had only a few weeks ago. In his speech of last week he was pleased to characterize the Treaty of 1818 as harsh and barbarous, and charged the Government with having enforced it, in 1886, in a harsh, unneighbourly and brutal manner, totally contrary to the spirit of the age in which we live; and he added that it was owing to the arbitrary manner in which the treaty was enforced that all the friction and ill-feeling manifested in the United States towards Canada and Great Britain arose. When the treaty was abrogated by the United States in 1885 I did find fault with the Government of Canada, but on totally different grounds from those mentioned by the hon. gentleman from Ottawa. I blamed them, in the first place, for not giving the United States Government to understand, immediately on receiving notice that the treaty would be abrogated, that the very day the Washington Treaty expired the Treaty of 1818 would be enforced, not only in spirit, but to the very letter of the law. If there was one thing more than another that tended to produce the present state of feeling towards Canada over this fisheries arrangement, it was the fact that the American fishermen were allowed access to our fishing ground without compensation or consideration for the whole of the fishing season of 1885. There is no denying the fact that that had a tendency to lead the people of the United States (especially their fishermen, and I am inclined to think that it permeated all classes and prevailed even at Washington) to believe that the people of Canada were either afraid or would never attempt to enforce the Treaty of 1818. Instead of censuring the Government for the manner in which they enforced the Treaty of 1818, I only blame them for not having enforced it more fully and strictly than they did. I take issue with the hon. gentleman from Ottawa on that point. It would have been much better if the Treaty had been enforced to the very letter. In dealing with the United States we have had over a century's experience of them and we know that their tendency is to stretch out their mighty arms and draw closer and closer to them everything they can touch until it is completely absorbed. They have undoubtedly designs on our territorial waters—they look with covetous eyes on our invaluable fisheries and hope at no distant date to have free access to all our fisheries, and that, too, without the smallest compensation.

HON. MR. ODELL—Like the Devil-fish.

HON. MR. MCINNES—Yes, the simile is not a bad one. Let us take a retrospective glance of the history of the

United States and what do we find? We find that they have been the most grasping and aggressive among the nations of the earth barring one. I do not know that we ought to quarrel with them on that account: I think they came by that disposition naturally and honestly—they inherited it from their mother, Great Britain. When the thirteen colonies revolted they occupied only a narrow strip along the Atlantic, and their territory extended westward only to the Alleghany Mountains. They had no possessions whatever on the Pacific. At that time Britain owned, in addition to the provinces and territories which form this Dominion, nearly one-half of the State of Maine, the whole of Ohio, Indiana, Illinois, Wisconsin and Minnesota, and on the Pacific coasts the upper or northern half of the State of California, Nevada, Idaho, Oregon and Washington Territories, and last, but not least in importance, the Island of San Juan. What impression can any loyal Canadian have who opens the history of this continent and reads those facts and who sees on the map of North America the changes which have been made to our disadvantage by British diplomacy? If there is anything that is calculated to arouse to its very depths the nature of a true loyal Canadian, it is to see how we have been despoiled upon every occasion by the crass stupidity of the supercillious diplomats of England whenever brought in contact with the astute and ever successful American politician. Instead of standing upon their dignity and relying upon the justice of the claims and protecting our inheritance then, as in the days of yore, they have allowed our aggressive neighbors to force us back from one vantage ground to another until to-day we find our domain confined to northern and less desirable portions of the continent.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. McINNES (B.C.)—I am happy to think I have the approval of the hon. junior member from Halifax.

Hon. Mr. ALMON—I always thought that California belonged to Spain: I did not know that it belonged to England until the hon. gentleman informed us of the fact. However I am ignorant, and the hon. member has a great deal more knowledge on the subject than I possess.

Hon. Mr. McINNES (B.C.)—The junior member for Halifax is always ready and willing to give advice and information to the House, but in this, as in every other case, the hon.gentleman is at sea—like a ship without a rudder, floundering among the billows and liable to be engulfed at any moment. What I said was, that Northern California belonged to Great Britain, and I say so still. I would recommend the hon. gentleman to read Bancroft's History of North America, which will enlighten him on this and many other points of a similar kind upon which he does not appear to be well informed. That exhaustive history gives the facts I have referred to. Let us now look at the manner in which the United States have extended their territory southward. We find on the south that they took Florida from the Spaniards.

Hon. Mr. ALMON—Bought it.

Hon. Mr. McINNES (B.C.)—They took Louisiana from the French.

Hon. Mr. ALMON—Bought it.

Hon. Mr. McINNES (B.C.)—They took Texas—will the hon. gentlemen say they bought it?

Hon. Mr. ALMON—No; but I say they bought Florida and Louisiana.

Hon. Mr. McINNES (B.C.)—On the conclusion of the Mexican war they got that portion of California to which the hon. gentleman alluded, the southern part of the State.

Hon. Mr. ALMON—I always understood that Lower California was part of Mexico.

Hon. Mr. McINNES—The hon. gentleman's understanding is not at all times what it should or might be.

Hon. Mr. POWER—I must ask the

Speaker to call the hon. gentleman to order and allow the hon. member from New Westminster to continue his speech with some sort of propriety. It is altogether improper for anyone to interject interruptions as the hon. member from Halifax is doing.

HON. MR. KAULBACH—Unless the hon. member who is speaking objects to this interruption I do not think anyone else should do so.

HON. MR. POWER—I want to hear the speech without interruption.

HON. MR. HAYTHORNE—Other hon. gentlemen wish to hear the hon. member from British Columbia without interruption.

HON. MR. McINNES—I have no objection to any relevant interruption or anything that has a tendency to elicit facts, but I do object to unseemly meaningless interruptions, which are simply intended to throw me off the track and confuse me. I think that any person who has occupied a seat in this House for a length of time will not be at all surprised at the course which the hon. junior member from Halifax is pursuing, because it is a habit with him—in fact, it appears to be his nature—and he cannot depart from it; and unless he relieved himself in the manner he is doing, we would either have an explosion or a case of spontanious combustion.

HON. MR. ALMON—Hear, hear.

HON. MR. McINNES—He is too frisky altogether for this sedate body, and never seems to be easy except when either himself or someone else is singing the praises of the Tories. He is a typical Tory of the 17th century.

HON. MR. ALMON—I feel cheap now, don't I.

HON. MR. McINNES—Among the territories they have acquired I should include Alaska. By fair means and by foul means they have extended their territory in every direction. I mention this in order to show that the British Commissioners upon this occasion ought not to have yielded one iota unless they got something in return. I would ask the House to recall the disgraceful treatment which Canada received from the United States in 1866. At that time we were living on peaceable terms with our southern neighbours, yet for many months they allowed a horde of marauders to be armed, trained and drilled in their country and knowingly allowed them to leave their shores to invade our country—to plunder and murder our citizens. Yet we are accused of treating the Americans harshly and inhumanly. Canada never resorted to such barbarity. A few years afterwards the Alabama claims were settled and the British Government were compelled to pay 15 millions of dollars as compensation for alleged losses sustained by American citizens, and let it be said to the disgrace of the United States that after they paid every claim that had a semblance of justice in it, over seven millions still remain in the Treasury of the United States instead of, like honorable people, handing it over to those to whom it belonged. In striking contrast with their conduct, and to show that they are not the high-minded Christian people that they pretend or claim to be, look at the manner in which the Chinese Government acted recently when a sum of money was awarded them for the settlement of the just claims made by Chinese citizens who had been barbarously and brutally treated on the Pacific coast and neighboring territories a couple years ago. China made a demand upon the United States and a large sum of money was paid over. The Chinese Government non-Christian as it is, finding that it had in its possession nearly $100,000 in excess of the amount required to settle the just claims of their countrymen in consequence of the losses sustained, like honest people handed it back to the United States. They did not retain it in their treasury as the United States are retaining about one-half of the fifteen millions awarded them for the settlement of the Alabama claims. In 1862 when Slidell and Mason were so unceremoniously and unlawfully taken from a British ship, a tremor of excitement and indignation passed through

the entire nation and a prompt demand was made by the illustrious statesman then at the head of the British Government, Lord Palmerston, that the United States should immediately give up these men. The United States at this particular time was taxed to the uttermost. She required all the strength she could command to suppress the rebellion in the south, and prudently gave up those men. But when these Alabama claims to which I have just referred were being arbitrated upon, no off-set claims for the Fenian raids of 1866 were put in, or if put in they were not allowed. Why were our just and equitable claims ignored on that occasion? We had lost a number of valuable lives, and a great deal of property, through invasion of our country by a horde of ruffians from the United States. Why were not our claims put before the arbitrators, or if put before them, why were they not insisted upon? I fear that Britain or British statesmen had but one reason for such a neglect of their duty — a reason which I scarcely feel disposed to give, but it can be easily understood. Now, hon. gentlemen, after this slight digression, I will return to the treaty again, and call your attention to the cruel treatment which Canadians have received for the last two years, and are still receiving from the United States on the Pacific coast. In 1886, three British Columbia schooners, which were plying their vocation in Behring's Sea, were seized by a United States cutter, and in 1887, six more, all of which were taken to Sitka, Alaska, where they remain to this day, and some $113,000 worth of furs which they had on board, were confiscated then and there. Any person looking over the map of the North Pacific will find that from America to Asia, following in the line of the Aleutian Islands, is something over 1,200 miles in width; and from the Aleutian Islands on the south to Behring's Straits on the north, it is nearly 1,500 miles in length. All these British Columbia sealing schooners were seized from 50 to 150 miles from shore. Notwithstanding that, they were seized as infringing upon the alleged exclusive right of the American people. What do we find on the Atlantic coast, in almost the same latitude? We find that American vessels have free access to Hudson Bay and, in the evidence given by Professor Dawson the other day, before the Mackenzie Basin Committee, he stated that American fishermen and traders had actually established trading posts up in Cumberland Sound and Hudson Bay, and that they were bringing United States goods in there without paying duty, thereby coming in direct competition with the Hudson Bay Company and defrauding the Customs of Canada. Contrast the courtesy we extend to them on the Atlantic, and I ask you to compare that with the treatment that our fishermen and sealers on the Pacific received from them, and no person within the sound of my voice will say that our treatment of our neighbors has been anything like as harsh as the treatment we have received and are still receiving at their hands. In replying to the Speech from the Throne, I found fault with the Treaty inasmuch as it did not include the Behring Sea dispute, and I stated then that I knew it was the intention of the Canadian Government, at least, that it should be dealt with, for all the papers in connection with our western fisheries had been in course of preparation for some four or five months before the Commissioners met in Washington. However I found a few days ago in the discussion which took place in the other Chamber on a motion for a return of correspondence, that the Right Hon. the Leader of the Government stated that it was not a matter exclusively belonging to England or to Canada; that other nations were equally interested in having Behrings Sea open to all nations. Now, I scarcely think that that is at all logical or reasonable. While it is true that it ought to be open to all nations, yet owing to the fact that the only nations contiguous to that sea are Canada, the United States and Russia, they had a deeper interest in it than all other nations. I therefore contend that it was the bounden duty of the Dominion Government to have pressed upon the Imperial Government the great interest involved, and that no fishery treaty should be satisfactory and complete without disposing of the Behring Sea difficulty as well as of the Atlantic fisheries. I find in another

return brought down on Saturday last in the House of Commons, that the American Government state through Mr. Bayard that no demand had been made by the British Government for the consideration of that matter, notwithstanding the fact that these seizures took place nearly two years ago. The United States Secretary puts forward as a plea for not before dealing with the matter, that failing to receive any protest from the British Government he imagined they concurred in the position assumed by the United States.

Now, whatever the pretensions, or whatever rights Russia might have had to the exclusive right of fishing and the navigation of Behring Sea, certainly it does not apply to it at the present time. It does not apply to it since one-half of the surrounding territory became part of the United States, and no people protested more strongly,and justly so against the absurd pretentions of Russia than the United States. Now, the boot is on the other foot; now they want to forget the firm position they took on this question before Alaska became theirs, and claim that they have obtained a quit claim deed from Russia to exclusive right of the Behring's Sea and all that it contains. That absurd pretension I do not think can be seriously entertained, and I claim again that this Government and the Imperial Government are to blame that the question was not taken up and disposed of at the same time as the Atlantic fisheries in the treaty we are now asked to ratify. I will again call the attention of the House to a matter to which I drew attention a week or ten days ago, viz.: the quarantining of the steamer *Parthia* of the Canadian Pacific Railway Steamship Line. Although it was only a telegraphic despatch from San Francisco, yet I was satisfied it was correct, and thought it my duty to call the attention of the Government to it at the time, so that immediate action would be taken to liberate the poor quarantined passengers. Since then I have received a copy of the Vancouver *Daily News and Advertiser*, in which the following item is republished from the San Francisco *Advertiser*:—

"SAN FRANCISCO, April 19.—The San Francisco Board of Health, after inviting Capt. Webber and J. D. Spreckles to be present at their meeting to-night, secretly decided this morning to postpone their meeting for a week, but neither of those gentlemen were notified of the change, and consequently were at the Board room at the appointed hour. They are now determined to secure the release of the passengers and crew by a writ of *habeas corpus*, and have engaged Mr. Milton Andros, a celebrated admiralty lawyer, to prosecute the case. The outrage committed on the saloon passengers and the stewardess, by forcing them to leave the *Parthia* and go aboard the hulk, is causing severe comment in the city. The captain and chief engineer are kept prisoners on the *Parthia*, while the ship's doctor is allowed to go ashore. Party politics, not opposition to the Canadian Pacific Steamship Company, is the cause of these arbitrary measures. The *Parthia* is a favorite steamer with intending passengers, and sails on Saturday at noon."

I ask is this a specimen of the peace, good feeling and friendship that we are to experience from the signing of this Washington Treaty?

HON. MR. ALMON—It has not been ratified yet.

HON. MR. McINNES—I took the trouble, the other day, to sum up the time that it took the "Parthia" to get to San Francisco, after leaving the small-pox infected ports of China, and I found it was not possible to leave China, calling at Yokohama, Japan, and then proceed to British Columbia, and there unload and reload, and then down to San Francisco, under 24 or 25 days. So that the plea of quarantining her on the score of small-pox being on board is perfectly absurd. Now, if that is not a case of hardship—unless that can be considered an outrage on the people of Canada, I ask, in all conscience, what it is? Is that treating others as you would wish others to treat you?

HON. MR. MACDONALD—That is a matter for the Imperial Government to take up.

HON. MR. McINNES—Do not the Canadian and English vessels float the same flag?

HON. MR. MACDONALD—But it is an Imperial question.

HON. MR. MCINNES—I claim that it is much more a Canadian than an Imperial question, and the sooner the people of Canada assert their just rights, in having the exclusive power of negotiating all treaties pertaining to questions purely Canadian, the better it will be for us.

HON. MR. MILLER—With what power would we enforce them. ?

HON. MR. MCINNES—I shall deal with that in a short time. I can say to the hon. gentleman from Richmond that according to the treatment we have received from Britain in the last 25 years, with her mighty navy which she once boasted of, she is to-day I believe—and I am ashamed to acknowledge it—a source of weakness instead of a tower of strength to Canada and her true interests.

HON. MR. ALMON—Hear, hear.

HON. MR. MCINNES — The hon. gentleman may say hear, hear, but if not, why were those seizures allowed to be made in Behring Sea in 1886 and 1887 when British ships were lying idle in Esquimalt harbor ? Why were they not despatched to protect us against these outrages ? Will hon. gentlemen tell me, if the United States was a fourth or fifth rate power, that they would be allowed to do that with impunity? No,Britain would not tolerate such indignities to the flag. A demand would be made, and if they did not accede to it, the power of Great Britain would immediately enforce it. The opinion has been expressed here and in the House of Commons that this treaty is not likely to be ratified by the United States Senate. I quite coincide in that opinion, when we take into consideration the fact that the United States are on the eve of a Presidential election, and that the Canadian Commons and Senate will ratify the treaty it a few days. Under these circumstances, the Americans can well afford not to ratify it. They have got us committed to this treaty, and they can at any time they please appoint a commission and ask Great Britain and Canada to join them, and will they go back to the treaty of 1818 ? No, they will begin where they left off here. We cannot recede from that, so that they have everything to gain and nothing to lose by postponing or rejecting the treaty.

HON. MR. MACDONALD (B. C.)—After two years the Treaty becomes null unless ratified by the United States.

HON. MR. MCINNES (B. C.)—It is a very dangerous thing to look forward even for two years in a matter like this especially when dealing with the people of the United States. I claim that it was a most unwise thing for the Government of Canada to have submitted this Treaty for discussion before they saw what was done with it at Washington. We have been lead to believe that this Treaty is a final settlement of the question. Sir Charles Tupper in his able, eloquent and persuasive manner assures us that this Treaty is going to bring peace and harmony, and we will hear nothing more of any dispute between the Americans and Canadians about the fisheries from this time forward. Well, I have heard that eloquent gentleman make so many brillant and unwarranted predictions that I am becoming very skeptical. The hon.gentleman is entirely too sanguine and imaginative to be taken as an authority on questions of great national importance. I have only to instance one or two cases that must be fresh in the memory of every hon. gentleman. Take his predictions with respect to the Canadian Pacific Railway. Take his predictions with respect to the tariff, and you will find that he is not governed or actuated by any fixed principle, or any policy—other than expediency. He has proved himself to be one of the most vacillating and unreliable of public men, second only to *Day after To-Morrow* (Sir John Macdonald), so that very little credence is to be placed in his public utterances. Could I persuade myself that this treaty (with all its humiliating concessions), would be final, I would be disposed to say, accept it ; but when all our experience, which extends over a century, goes to prove that the Americans are only paving their way to make a still greater demand, and this treaty

will only be accepted and respected just so long as it suits their purpose, and not one day longer, we may regard this assurance of a final settlement as vapouring nonsense. I ask again, what has Canada gained by this treaty? The last speaker endeavoured to show that we had gained something, but he signally failed to define that certain something. The hon. gentleman from Richmond also endeavoured to show that there were mutual concessions made by both parties—that it was an amicable arrangement entered into, but I have yet to see and have yet to hear the first concessions that the United States have made. I remember that the hon. gentleman from Richmond stated, and also the hon. gentleman from Kent, that the United States had actually acceded to the request of the British plenipotentiaries that the delimitation of the bays should be ten miles instead of six. I ask, how can it be considered a concession on their part? They never possessed it only as a matter of courtesy. They had the same rights as strangers coming and sitting beyond the bar of this House; they are allowed there on sufferance, and are liable at any moment, the attention of the Speaker being called to the fact, to be turned out. He claimed that the delimitation of bays was enlarged to ten miles, but is that any greater concession than has been granted to and adopted by all the northern nations of Europe? It is no concession, and I ask, what will it cost this country to enforce the treaty if it is ratified? To follow the sinuosities of the coast in the Maritime Provinces, thousands of miles in extent, would require a much larger marine force to enforce this Treaty than the Treaty of 1818, where headlands formed the limit, and I claim that when we give up the headlands, we give up nearly all. It is almost as well to give up the right to the very shores. It is almost impossible for this country to place a sufficient number of cruisers down there to protect the fisheries, to say nothing of the enormous cost. Poaching will go on from day to day by American vessels in spite of all we can do, consequently I look upon this Treaty as so much waste paper.

I took down a statement made by the hon. gentleman from Richmond that it was very well to set up the contention of the headland theory, but in the very next breath he says it is another thing to enforce it. Does not that imply that it will not be enforced by Great Britain, or that we have not the power or the ability to enforce it? I think that if it means anything at all it means that. He also, in his grand peroration, said that the British flag which was the emblem of security and justice, and was to be found in every quarter of the globe, would protect us and all British subjects wherever found who asked for the protection of the flag. I ask has it been done within the last two years? Has it been done within the last twenty-five years? No—and while I believe that in the British people there is the valor and the chivalry of their glorious ancestors,—I am forced to believe that British statesmen have degenerated; that Britain is now governed by a debauched and degenerate aristocracy.

HON. GENTLEMEN—Oh! Oh! Oh!

HON. MR. McINNES—Hon. gentlemen may "oh! oh!" as much as they please, but any one who has watched her foreign policy—and particularly her home or domestic policy—must be convinced of the truthfulness of the statement I have just made. If it was not the fact, they would never allow such outrages to be committed on British subjects in Canada. This treaty would not be so objectionable provided we got something in return—if we got unrestricted reciprocity or commercial union.

HON. GENTLEMEN—Hear, hear.

HON. MR. McINNES—Hon. gentlemen may laugh. I heard a great many people laugh in 1878, when Sir John Macdonald stood up for the first time in Parliament to propound the National Policy. He was laughed at by a large majority of the representatives of the people in Parliament and he was laughed at by the people of this country: it was treated as a huge joke; but what was the fact? In less than one year that policy carried the country by an immense majority and hon. gentlemen may laugh

but I can tell them "unrestricted reciprocity with the United States is on the increase," it has taken hold of all thinking and unprejudiced people in this country—as no other question has ever taken hold of them—it is abroad, it is in the very air—and whenever there is a general election it will carry the country just as sure as the National Policy deception carried it in 1878.

HON. GENTLEMEN—Never!

HON. MR. MCINNES—I contend that if we are not to be dissected and divided and parcelled out as we have been in the past by our neighbors to the south of us, the only salvation that I can see for us in the future is thorough commercial union with the great and mighty republic.

HON. GENTLEMEN—No, no, no. You are talking annexation.

HON. MR. MCINNES—No, I am too loyal a British subject to look to annexation. I say that commercial union is the very thing to prevent annexation. The hon. gentleman from Halifax may laugh, but before the reciprocity treaty of 1854, and for some time previous, what was the condition of affairs? Why, you would hear annexation spoken of as a popular thing—it was discussed in the family, it was discussed on the streets, in Parliament, and I am not sure but in the pulpit, too; and some of the honored and leading public men of to-day, whose names I will not mention at present, signed and forwarded to Washington a memorial asking for annexation. A few years after that treaty was brought into operation, you could travel from one end of this country to the other and would not hear a word in favour of annexation. Why? Because the country leapt from a position of commercial depression to one of commercial prosperity such as it had never known before. Reciprocity acted on trade on the same principle that the transfusion of young, vigorous blood into the veins of the old and feeble acts upon them—immediate commercial activity and energy ensued.

HON. MR. DICKEY—National policy again.

HON. MR. MCINNES—But it is National seclusion the hon. gentleman advocates. I say that it gave an impetus to trade such as it had never known before and will never know again until we have a somewhat similar commercial arrangement with the United States. Take the volume of trade that immediately sprang up and continued to increase year by year during the eleven years that it was in force. It more than quadrupled in that time—from 20 odd millions it went up to 84 millions of dollars, and I claim that to a very great extent the progress this country has made, and the progress that it is still making in spite of the obstacles thrown in the way, we owe very largely to the impetus that was given to trade and commerce and our general prosperity by that Treaty. But as this is not an unrestricted reciprocity resolution we are considering, I will not pursue that particular phase of the Treaty any longer, but dismiss it by calling the attention of the House to the opinion of one of the most respected and most honored British statesmen, and we will see what he says on the subject of unrestricted reciprocity, and remember that was on no other occasion than when he was congratulating Mr. Chamberlain on his success. I have reference to the Right Honorable John Bright who said:—

he had never addressed a meeting in this hall that was in such entire sympathy with its object. They could honestly congratulate Mr. Chamberlain and hope that he might on may other occasions render services to his country. He liked the wording of this toast, for he thought that Englismen had a right to call all people on the other side of the Atlantic "our kinsmen," and that Englishmen were entitled to look upon a man as an enemy to mankind—not merely to their own English-speaking race—who would do anything to excite anger, disorder or dispute between America and Great Britain. There were other questions besides the fisheries question which ought to be considered. For instance, the commerce of America and Canada had built high walls and had called them "tariffs." These walls prevented freedom in trading. The Canadians wished these barriers to be abolished. That w asa very sensible wish, and he was perfectly certain it would be accomplished. His opinion was that, if the economical facts were so strong, there would be a tendency hardly resistible to get over the sentiment that it was better for Canadians to be asso-

ciated politically with Great Britain than with the United States. He considered Imperial Federation impossible. The scheme was no better than a dream. He would like to ask the advocates of federation whether the colonies were likely to link themselves with *stupid foreign policy* of England, entering into quarrels and wars with peoples 10,000 miles away. He had, however, the strongest belief in the great future of the English colonies, which he hoped would be strengthened by amicable relations with the Mother Country. Might they not hope for the highest and noblest federation—under different Governments, it might be, but united by race sympathy, freedom of industry and communion of interests—a federation of perpetual peace that would lead the world to that better time that all hoped for and believed in, although it might not be permitted their mortal eyes to behold it?"

These are the words of an ex Privy Councillor.

HON. MR. ALMON — Was that Bright's disease?

HON. MR. MILLER—Does my hon. friend recollect another celebrated speech of Mr. Bright in which he declared that he had a vision before him; that he saw this continent from one end of it to the other governed by one flag and prospering as no other country in the world prospered, or something to that effect, evidently proedicting and desiring the annexation of those colonies to the United States? We all know what Mr. Bright's desire was.

HON. MR. MCINNES—I did not see that speech and I was not aware that he had given utterance to those sentiments, but they are in harmony with those I have just read to the House. But it is altogether likely that these views were expressed when he had not the mature experience and intimate knowledge of the commercial relations existing between the United States and Canada that he now possesses. No doubt he spoke on the occasion referred to by my hon. friend in the same manner that a great many English statesmen speak of the colonies, without being in possession of the facts. I believe that the salvation of this country lies in the freest trade relations with the United States, if we ever assume a position to which our institutions, our great and varied resources, and the genius of our people entitle us, it will be by throwing in our lot commercially (not politically) with the United States. I say this at the risk of being called a pessimist, and other epithets which a great many politicians of small calibre make use of when they have no other arguments to offer. I say that the progress in every branch of commerce, in arts, science and civilization made by the United States is marvellous, and the world's history has no record of any other like it; that they are making rapid progress, while we, comparatively, are only progressing at a snail's pace.

HON. GENTLEMEN—Oh! Oh! Oh!

HON. MR. MCINNES—Yes, and before this session is over I believe I can show that financially, numerically and commercially we are not progressing in anything like the same ratio as the people of the United States are. That mighty nation is adding over two and a half millions to her population annually. She has wiped off her gigantic debt incurred, not in the improvement or developement of her country, but to save the nation. I say she has nearly wiped that out of existence in a manner that is unparalleled in history, and the great problem her state men have to solve today is not how to raise a sufficient amount of money for ordinary governmental purposes and great national improvements, but how they can dispose to the best advantage of the enormous surplus. With a public debt decreasing at the rate of over a hundred million of dollars a year, with her trade and commerce extending in every direction, and with taxation now only about one half what it is in Canada—I say in the light of these undeniable facts it is the bounden duty of every Canadian to ask, yes, to demand the same policy and the same free and unrestricted intercourse that caused such marvellous growth, such wonderful prosperity, and such a blessing to so many of our fellow-beings.

HON. MR. SMITH — Their tariff is higher all round than ours.

HON. MR. MCCALLUM—There is a good deal of "Yankee Doodle" in this.

HON. MR. MCINNES — I am not singing boodle ; I leave that to the party to which my hon. friend is allied ; they know that and very little else I am afraid that boodle has a great deal to do with the politics and legislation of our country.

HON. MR. MACCALLUM—Don't be afraid—it is a bad thing to be cowardly.

HON. MR. MCINNES—I agree with the hon. gentleman that it is a bad thing to be cowardly, but I don't think that it can be applied to your humble servant, and would here take the liberty of saying, and that without boasting, that in my veins flows British blood—in my veins flows the blood of an ancestry who for many generations past have fought, bled and have died by sea and land in order to make Britain what she is : their blood has consecrated Alexandria, Waterloo and many other battle fields ; and if occasion should require it to-day, following their impulses and traits of character, I would march forth as quickly to battle as I would march out of that door in the defence of the just rights of Canada.

HON. MR. MACDONALD (B. C.)—Sensational !

HON. MR. MCINNES—It is not sensational, for I deeply feel every word I say. This reminds me that every speech delivered by Government supporters on reciprocity and on this Treaty has been nothing but sophistry and sentiment. They appeal wholly to sentiment. I believe in sentiment as I believe in everything else in its proper time and place, but I abhor the sentiment and hypocritical loyalty that only come from the lips. Can any one party in Canada be accused of disloyalty or greater loyalty than another ? No, I emphatically deny it. Even in the rebellion that was occasioned by the misconduct, and criminal inactivity of the Government, did we not find as many Reformers marching up there and sacrificing their time, their health, and as many of them their lives as Conservatives ?

HON. MR. MACMILLAN—No.

HON. MR. MCINNES—I say yes, and some of the hon. gentlemen in this room to my personal knowledge, had sons there who received their first baptism of powder and were wounded in that miserable rebellion. I am always inclined to be a little suspicious when a gentleman has no other argument to use against unrestricted reciprocity with the United States than sentiment. I think we will find in the golden rule that it is laid down that he who does not provide for himself and his family is worse than an infidel. It is our duty, I submit, first to guard and protect our own just rights even independent of sentiment to the mother country. Our first duty is to be true to ourselves, true to Canada and afterwards true to the mother country. I feel proud of our noble Queen, and am sorry she has not of late years been surrounded by better advisers. Had she been, the interests of the colonies and especially Canada would not have been steadily neglected. As an illustration I have quoted to you the speech of Mr. Bright. Not only he, but hundreds of others tell us as plainly as it is possible to do so, that they have no particular use for us ; that we do not now contribute much to the commercial importance of Great Britain, and we are at liberty, at any moment we feel so disposed, to take our departure. Let any Canadian statesman stand up in this House or in the other Chamber and give utterance to the statements made by Mr. Bright, encouraging us and asking us, as plainly as language will permit, to become politically a part of the United States, and I ask what would be the result ? He would be hounded out of Parliament. Still, it is the sentiment of English statesmen, and that of itself ought to convince every hon. gentleman who has paid any particular attention to the conduct of the British Government and the treatment we have received from Great Britain, that we must rely upon ourselves ; and if we do rely upon ourselves, as I contend we must, we have all the essential elements to make this a great and prosperous country. I would say, in conclusion, that the statements made here that this treaty is going to do away with all the friction and ill feeling between this country and the United States, and

that it will settle this vexed question for all time, is utterly misleading in view of the history of the past conduct of the United States. As far as I have been able to gather from history, we cannot point to one single nation that has attained to any great eminence, either in ancient or modern times, that was governed and actuated by the golden rule, "Do unto others as you would others should do unto you." They have, without a single exception, been guided by the law of nature—a law which pervades all animated nature from the very lowest form up to God-like man —the law that might is right. And the United States appears to be no exception to the general rule. Speaking of the treatment we have received from the United States of late years and the want of sympathy and interest taken in us by Britain reminds me very forcibly of the present condition of affairs in Great Britain and Ireland. It appears that the whole time and energy of English statesmen is taken up with this long and vexed Irish question. They appear to see and care for nothing beyond that, to see nothing beyond denying the people not only of Ireland but of Scotland and Wales their just rights—a representative form of government. When we consider what Britain is and has been for centuries—when we know that she owes her greatness principally to the Scotch, the Irish and the Welsh—that her conquests in the different quarters of the globe are nearly all due to the unswerving loyalty and unequalled valor of these people—then when we consider these things, it is almost incredible that any people could be so ungrateful to their benefactors as to oppress them, to treat them with the greatest cruelty and even brutality in many instances. In the highlands of Scotland they are evicting and driving them away from their native heath and for no other purpose than converting that part of Scotland into a deer forest. To even a greater degree is this true of the deplorable state of affairs in Ireland. "Man's inhumanity to man makes countless thousands mourn." The people of those countries have made her what she is and instead of giving them the degree of freedom, liberty and fair play she grudgingly gives her colonies, she is doing nothing but expending her strength in prepetuating a state of affairs that is a disgrace to the empire. I have listened as attentively as I possibly could to the apologetic speeches, of the supporters of this treaty and I have failed to see that we have gained one single advantage by it. On the contrary we have lost that lever by which we could at least have secured reciprocity. We have abandond forever the headlands. This reminds me that of all the treaties between the United States and Canada, only on one occasion did Canada receive anything like fair play :that was in 1876 when the good and noble old man, the Hon Mr. Mackenzie, was at the head of affairs in this country. He persistently refused to allow a British statesman to go on that Commission. He said, and truly, that it was purely a Canadian question, and that no person could do as well as a Canadian who understood the American character better than the English did, and he insisted on it. Notwithstanding all the pressure that was brought to bear, the noble old man was immoveable, and the Home Government had to yield ; the consequence was that we got a treaty that was fair and honorable to Canada. While I believe that Sir Charles Tupper was ready and willing to do all he could in the interest of Canada, I am of opinion that his judgment was warped and biassed by the influence of the Imperial Government, and possibly the dictation of the leader of his own Government, but certainly from across the water, and was induced to sign the treaty. I believe it was his duty as a true Canadian to have withdrawn from the Commission at that particular stage of the negotiation when our rights were about to be abandoned, and the vast majority of the people of this country would have sustained him in that action. I can view this treaty in no other light than that of a complete surrender—an unconditional capitulation.

HON. MR. KAULBACH—I must ask the indulgence of the House in speaking on this question, as I am suffering from a very severe cold. I simply rise because I consider it a most important question affecting the interests of the province

from which I come, and particularly of the county in which I live. It is unfortunate that we have not confined ourselves, in this debate, to the question before us—that we have not kept strictly to the treaty itself, and have not followed the good example set us by the leader of the House in discussing the question really before us and nothing else. We have drifted away from it and dealt with a variety of subjects which do not concern the Fisheries Treaty at all. It is unfortunate for hon. gentlemen who come after those who have discussed matters which are wholly irrelevant to the subject before us, that we shall feel obliged to confine ourselves to the question before the House. However, I wish to say a few words in reply to my hon. friend from New Westminster I am surprised that he calls himself a true British subject after the sentiments he has uttered to-day, and the desire he has expressed to unite himself more intimately with the nation alongside of us — that great and mighty republic which, politically and morally, according to his description, is of such a despicable character. He has compared it to the devil-fish, with its tenticles out in all directions feeling for and absorbing all it can get. It is with the nation he thus paints that he would ask us to blend ourselves—that he would ask us to unite with in closer relations, politically and socially.

HON. MR. MCINNES—I did not say politically.

HON. MR. KAULBACH—The hon. gentleman cannot repudiate that position after his remarks to-day.

HON. MR. MCINNES—I repudiate the political part of it. I do not repudiate the commercial.

HON. MR. KAULBACH—My hon. friend has talked of commercial union, a policy which would bring us under the control of the United States and render us liable to the taxes which the United States would impose upon us—is not that a political question?

HON. MR. MCINNES—No.

HON. MR. KAULBACH—The hon. gentleman would ask us here to be subject to any tariff that the United States might frame and to any taxes that they might impose upon us. I am surprised, knowing what the inevitable consequences of such a policy must be, that the hon. gentleman would advocate it.

HON. MR. MCINNES—I rise to a question of order: the hon. gentleman has attributed to me motives and statements that I never entertained or made. I simply stated that in my opinion such a policy would have the reverse of a tendency to annexation. I stated that distinctly, and I advocated the policy because it would prevent such a union.

HON. MR. KAULBACH—My hon. friend may draw his own inferences from what he has said. I am drawing different inferences from the statements he has made. I say that the policy which he advocates would place us in a despicable and humiliating position. The loyal British sentiment of this country is too strong to have its tariff framed and taxes imposed by a foreign country. It would place us in a despicable and humiliating position, a position which is diametrically opposed to the one under which we have for some years now lived and prospered, a policy which even Mr. Blake in the last general election did not venture to oppose. It was a policy adopted by the people in 1878 and confirmed at the polls four years later, when Sir John Macdonald went to the people a year previous to the time when he need have gone. It was a policy which was again confirmed at the last general election, a policy which has raised Canada from the state of pauperism, with her industries all paralyzed and when soup kitchens abounded throughout the land.

HON. MR. MCINNES—It is a policy which—

HON. MR. ALMON—I rise to a question of order: the hon. gentleman is interrupting my hon. friend from Lunenburg, and I insist that he shall sit down and permit the hon. member to continue his speech.

HON. MR. KAULBACH—It is a policy which has raised the laboring classes from poverty to prosperity and comfort. The hon. member from New Westminster brings up two questions which have no possible relation to one another. They are distinct and separate subjects. He has talked about the seal fisheries on the Pacific coast as though they had anything to do with the subject before the House. I want to know what the seal fisheries of Behring's Sea have to do with the treaty which we are discussing to-day? The seal fisheries question is one of international relations.

HON. MR. MCINNES—The hon. gentleman must know that if they had power to stop sealing vessels in Behring Sea they have the same power to stop any other kind of fishing, and they have done it.

HON. MR. KAULBACH—It is a question of the right of nations on the high seas—a question of international law between nations, not merely a question between Great Britain and the United States. It is a question between all the nations of the world and the United States, and if an attempt had been made to import that question into this treaty the consequence would have been that no satisfactory conclusion would have been reached, and we would not have before us to-day a treaty which, considering all things, is just to the Dominion. We have secured peace with honor by this treaty, and the disadvantages under which we suffer are more than compensated by the advantages which we derive. Concessions have been made—mutual concessions. If we have by this treaty secured a settlement on amicable terms, not dishonorable to our country, of a question which has vexed and harassed both the United States and Canada for some time, our negotiators have done a service to the Dominion which will be appreciated by the people for all time to come. I do not know that I need pay much more attention to the hon. gentleman's remarks, because after the character he has given the United States I think he has answered his own argument and shown us that it is fortunate that we have come out of this negotiation on terms as favorable as we have secured. The hon. gentleman says we have abandoned everything by this treaty—that we have abandoned the headland contention. I would like to know how we have abandoned that? All the nations of Europe abandoned that theory long ago. We have not attempted to maintain the position which we claimed under the treaty of 1818, because we never exercised it.

HON. MR. MCINNES—Did we not exercise it up to 1844?

HON. MR. KAULBACH—No; we never seized a vessel in any of the large bays.

HON. MR. POWER—Excuse me, the hon. gentleman is mistaken.

HON. MR. ALMON—Order, order.

HON. MR. KAULBACH—The hon. gentleman cannot show me where a vessel was seized under the cirsumstances to which I have referred. He cannot point to a case in which a vessel was seized in one of our large bays, under the sanction of Great Britain, or by our own vessels. My hon. friend spoke of the manner in which treaties with the United States have been negotiated, but he forgets that virtually Canada makes her own treaties now. She has the power of Great Britain with her to see that these treaties are maintained. See how the Mother Country has stood by us in enforcing this Treaty of 1818? Every position claimed by Canadian statesmen has been sustained by the British Government. I ask my hon. friend to go through the correspondence in this blue book, and show me if he can, where Great Britain has failed to stand by Canada in all her claims during this controversy with the United States, within the last two years?

HON. MR. MCINNES—The last two years?

HON. MR. KAULBACH—Yes, or since it has become a vexed question. My hon. friend cannot show me one instance of the kind.

HON. MR. McINNES—Will the hon. gentleman show me how Great Britain has stood by us to our advantage?

HON. MR. KAULBACH—Will the hon. gentleman take up the correspondence between the two countries and see if the representations made by the Canadian Government have not been carried out by the Imperial authorities?

HON. MR. McINNES—Let the hon. gentleman show it himself.

HON. MR. ALMON—One at a time! One at a time!

HON. MR. KAULBACH — Let the hon. member show we where Great Britain has declined to sustain Canada!

HON. MR. McINNES — If the blue book is full of such facts, let the hon. gentleman show me one instance in support of his statement?

HON. MR. KAULBACH—I defy the hon. gentlemen now to put his hand on any part of the correspondence, on any representation made by Canada as regards her rights, where Great Britain has not stood by and sustained her in every particular!

HON. MR. McINNES — Take the correspondence by the Canadian Minister of Justice and Minister of Marine and Fisheries.

HON. MR. KAULBACH—Does the hon. gentleman mean to say that their views and representations were not sustained by Great Britain?

HON. MR. McINNES—I say they were not.

HON. MR. ALMON—May I ask which hon. gentleman has the floor?

HON. MR. KAULBACH—Concessions have been made, but we expect when we submit a case to arbitration that we will not get all that we claim as our rights.

HON. MR. McINNES—We do not get anything.

HON. MR. KAULBACH — That is an unwarrented assertion. We know that where treaties are made concessions must be made on both sides. Does the hon. gentleman mean to tell me that we can go to the United States and get everything that we claim as our strict legal right under that Treaty? It would be monstrous to suppose it. The moment we submit this question to arbitrament we know that we must make concessions, and it would not have been honorable to our side if we had come back grasping everything that we had demanded under that Treaty of 1818. We had a right to contend for all that we delieved we were entitled to and to get as favorable a settlement of the difficulty as we could, but in the arbitration a compromise was necessary and the settlement arrived at was honorable to both nations, not only honorable but one which will redound to the prosperity, peace, harmony and good will of both countries. My hon. friend asked us to believe that Sir Charles Tupper was under the influence of Downing Street while at Washington, or that he was influenced by the other plenipotentiaries and did not exercise a free and independent judgment as to the rights of Canada. When he takes that position he throws back in the face of Sir Charles Tupper the announcement which that gentleman made in another place that he was under no restraint, that he yielded nothing that he thought was in the interest of Canada and that he was sustained and encouraged in defending our rights, and had the unanimous support and approval of the British representatives.

It being near 6 o'clock, Mr. Kulbach moved the adjournment of the debate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (30), "An Act authorizing the Town of Kincardine, in the County of Bruce, to impose and collect certain tolls at the harbor in the said town." (Mr. Miller.)

Bill (91), "An Act to amend the law relating to fraudulent marks on merchandize." (Mr. Abbott.)

Bill (62), "An Act to amend chap. 32, Revised Statutes, respecting Customs." (Mr. Abbott.)

Bill (93), "An Act further to amend the 'Speedy Trials Acts,' chap. 175, of the Revised Statutes." (Mr. Abbott.)

Bill (82) "An Act to incorporate the Annapolis Atlantic Railway Company." (Mr. Boyd.)

Bill (106) "An Act further to amend the Indian Act, Chap. 43 of the Revised Statutes."—(Mr. Abbott.)

Bill (67) "An Act to incorporate the Buffalo, Chippawa and Niagara Falls Steamboat and Tramway Company."—)Mr. Macdonald, Midland.)

THE MORRISON DIVORCE BILL.

SECOND READING.

HON. MR. MCKINDSEY presented the certificate of the Clerk of the Senate that the notice of the day fixed for the second reading of Bill (H) "An Act for the Relief of Catherine Morrison," had been posted on the door of the Senate for fourteen days, as required by the rule.

HON. MR. MCKINDSEY moved that Robert Macpherson be called to the Bar of the House to be sworn and examined.

The motion was agreed to.

Then Robert Macpherson was called to the Bar of the House, and being sworn, was examined as follows :—

Q. What is your name, place of residence and occupation ?

A. Robert Macpherson, in the City of Ottawa,in the County of Carleton,carpenter.

Q. Did you serve copies of the paper writings now shown to you, and marked "A" and "B," and being respectively "An Act for the relief of Catherine Morrison," and an Order of the Senate, of date April 13th, 1888, and both bearing the certificate of the Clerk of the Senate thereon, upon John F. Morrison, formerly of the City of Ottawa, and if so, at what date and at what place ?

A. I served copies of the writings now shown me, marked "A" and "B," respectively, with the certificates of the Clerk of the Senate thereon, upon the said J. F. Morrison, on Tuesday the 24th day of April instant, in the Warden's office in the Penitentiary of Kingston, in the Province of Ontario, where he is now serving a term for the crime of bigamy. I knew the said John F. Morrison well, when living in the City of Ottawa, as the husband of Catherine Morrison, the Petitioner.

Q. State the particular mode in which you effected such service of the writings "A" and "B," respectively, on the said John F. Morrison.

A. I served the said J. F. Morrison with copies of the said writings "A" and "B," respectively, personally, by handing the same to him in the presence of the Warden of the Penitentiary at Kingston, and stating at the same time that such were so served upon him for the purpose of acquainting him with the proceedings for divorce now before the Senate of Ottawa.

Q. Is the person J. F. Morrison, upon whom you served copies of the paper writings marked "A" and "B," respectively, John F. Morrison, the husband of Catharine Morrison, of the City of Ottawa, in the City of Ottawa, in the County of Carleton, Province of Ontario ?

A. The person, John F. Morrison, upon whom I served copies of the paper writings marked "A" and "B," respectively, is John F. Morrison, the husband of Catharine Morrison, of the City of Ottawa, in the Province of Ontario, and the person from whom the said Catharine Morrison now petitions for divorce.

The said Robert Macpherson was directed to withdraw.

THE SPEAKER informed the House that Catharine Morrison,the petitioner in this case, was in attendance below the Bar, ready to be examined by the Senate as well generally as to any collusion or connivance between the parties to obtain a separation.

HON. MR. MCKINDSEY moved—

That the examination of the Petitioner in this matter, as well generally as in regard to any collusion or connivance between the parties to obtain a separation, be for the present dispensed with, but that it be an instruction to the Select Committee on Divorce to make such examination.

The motion was agreed to on a division.

HON. MR. MCKINDSEY moved, that the Bill for the relief of Catharine Morrison be read the second time.

The motion was agreed to on a division.

The Senate adjourned at 6:20 p.m.

THE SENATE.

Ottawa, Tuesday, 1st May, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

NISBET ACADEMY BILL.

THIRD READING.

HON. MR. GOWAN, from the Committee on Standing Orders and Private Bills, reported Bill (15) "An Act to incorporate the Nisbet Academy of Prince Albert," without amendment.

HON. MR. VIDAL moved the third reading of the Bill.

HON. MR. POWER—I think that I called the attention of the House to this Bill at an earlier stage, and I wish to direct attention to it again now. It was understood that the matter might be discussed at this stage. This Bill incorporates a number of gentlemen under the name of trustees of the Nisbet Academy of Prince Albert. The first clause tells us what they are incorporated—

"For the education of the youth of both sexes in the various branches of liberal culture and classic and scientific knowledge, and for the imparting of moral and religious instruction in harmony with the principles of the Presbyterian Church in Canada."

The second clause states that the corporation may acquire and enjoy lands, tenements and real and moveable property for the purposes of the Academy.

Another clause says that the principal and first male assistant of the Academy, together with the three members of the Board of Management, nominated by the Board annually for the purpose, shall constitute the Executive of the Academy, to whom shall be entrusted the reception, academical superintendence and discipline of the students and of all persons within the Academy.

Now it appears from the Bill that it is a purely educational measure, a Bill which provides for the incorporation of a high class school at Prince Albert. It is not proposed that there shall be branches of that school in any of the provinces or any other territory than the territory in which Prince Albert is situated, so I think it is a purely local bill. Under the British North America Act the subject of education is a local matter. I do not mean to say that it is not possible under the strict letter of the law that this Bill might come with in the jurisdiction of this Parliament, but the spirit of our legislation ever since Confederation, since the passing of the British North America Act, has been to leave educational questions with the local authorities, and the territories have now representative institutions, not of course in as complete a form as we have in the provinces, but still they have representative institutions, and they are authorized to deal with this matter, and it seems to me that for this Parliament to undertake to deal with a matter like that which constitutes the subject of this Bill, is to act in contradiction to the practice that has been adopted, and to the spirit of our constitutional law. I find that, in the North West Territories Act, chap. 50, Revised Statutes, the different sections from 11 to 16 give the various powers of the Governors-in-Council of the several territories, and section 14 says :—

"The Lieutenant-Governor in Council shall pass all necessary ordinances in respect to education."

And then sub-section two of the same section says :

"The power to pass ordinances conferred upon the Lieutenant-Governor by this section is hereby declared to have been invested in him from the 7th May, 1880." Then it is laid down that the Governors-in-Council of these territories shall have such powers as shall be conferred upon them by the Governor-in-Council of the Dominion, with this qualification : "But such power shall not at any time be in excess of the powers conferred upon the Legislatures of the several Provinces by the ninety-second and ninety-third sections of the British North America Act, 1867."

Now the 93rd section is the one which confers upon the local legislatures the right to deal with education. As I understand it, the Governor-in-Council of

the Dominion has authorized the territorial Governments to incorporate bodies such as that which seeks for incorporation by the Bill before us; and although in the present matter the question is of very little consequence, still, as the principle is one of moment and the passing of this measure may be hereafter spoken of as a precedent, I think it is well that the House should not finally deal with it without having considered the question with some little care.

HON. MR. ABBOTT — The point which my hon. friend raises is one which turns entirely on the construction of the Constitutional Act. His proposition is this: while he admits that the Dominion Parliament has jurisdiction over the North-West Territories, he contends that it has delegated that power to the Lieutenant-Governor in Council by the Revised Statutes, chap. 50; and his argument must go so far as to say that the Parliament of Canada has divested itself by that Act of any jurisdiction over these subjects, and has vested the Lieutenant-Governor in Council of the North-West Territories with exclusive jurisdiction over them, in order to sustain any opposition to this Bill. Now, the abandonment of jurisdiction is never to be presumed. The abandonment of any power granted by the Constitution to the central authority is not to be assumed without some specific ground for doing so, and I find none in the clause which my hon. friend cites. This clause, it is true, gives the Lieutenant-Governor in Council such powers to make ordinances for the government of the North-West Territories as the Act confers upon him, which are not to exceed the powers of provincial legislatures under sections 92 and 93, of the British North America Act, with which we are all familiar. Section four, says that the Lieutenant Governor in Council shall pass all necessary ordinances in respect of education, with provisos as to minority schools. Now this is not exactly in the first place an ordinance respecting education: it goes much further than that. It creates a corporation, and gives to it powers to hold property which it would not possess under the law of mortmain which prevailed under the law of England on the 15th July, 1870, which is the law of the North West Territories. It goes so far as to give to this corporation which it creates, the power to hold lands in mortmain, which, it is not contended, the Lieutenant Governor in Council could give—or at all events, there is no express authority to the Lieutenant Governor in Council to exercise such power, and if he holds it, he does not hold it to the exclusion of the jurisdiction of the Dominion. I hold with respect to the constitutional point, that the conferring of power to pass ordinances concerning education, does not confer on that body any exclusive jurisdiction over institutions for educational purposes, and that if there be jurisdiction in the Lieutenant-Governor in Council to pass such an Act as this it is jurisdiction concurrent with that of the Dominion. Neither this House nor any branch of the Legislature of Canada should, or I hope will, hold that the Dominion has divested itself of its legislative authority over the North West Territories, by creating a body of this description vested with the administration of the Territories. I contend therefore that this subject is one which has not by any law, or by the Constitution, been vested exclusively in the Lieutenant-Govenor in Council of the North West Territories, and it involves the exercise of a jurisdiction which is not, at all events, confined to the Lieutenant-Governor in Council, and for which I hold the interposition of this Parliament, the supreme authority for the North West Territories, is necessary. I understand from the Law Clerk of this House that this Parliament has passed several acts of this description since the creation of the Government of the North West Territories. As a matter of precedent, as well as of theory as to the jurisdiction of the Dominion Parliament, I think this Bill ought to be allowed to pass.

HON. MR. SCOTT—I am really not in a position to express an opinion on this Bill. I was not aware that it would come up to-day, and I am not equal to the passing of an opinion on the constitutional question raised by the hon. member from Halifax. The Bill is in its last stage: it comes from

the other House, and I presume there will be no objection to allowing it to stand.

HON. MR. ABBOTT—I am willing that it should have every possible discussion. Does my hon. friend ask that it should stand over?

HON. MR. SCOTT—Yes, for a couple of days.

HON. MR. VIDAL—There is no reason why we should postpone the third reading of the Bill. Similar powers have been given to other corporations in the North-West Territories. The paramount jurisdiction of the Dominion Parliament over the North-West Territories has been held to be unquestionable.

HON. MR. MILLER—After hearing the argument of the leader of the House I have no doubt that, although certain authority has been given to the Government of the North-West Territories, still, as the hon. gentleman has said, I cannot see that any legislation which has taken place excludes this House from interfering. In fact those Territories have not yet received such a form of Government that this House could not at any time sweep it away. When a regular system of constitutional government, such as prevails in the older Provinces, is established in the Territories, then the question of education must go to these Provinces; but as it is now, everybody will admit that this Parliament would have the power at any moment of sweeping away the whole governmental system of the North-West Territories and establishing in its place some such system as prevails in the Provinces. That being the case, this Parliament cannot have divested itself of the power of legislating on any and every subject with regard to these Territories. Because if we had gone that far, and established a settled system of provincial government in the Territories, then the question of education would, of necessity, go to them as a matter of right; but not having gone so far that this Parliament could not sweep away the system now in force in that country, and establishing a system such as we have in the Provinces, I do not think that the Territorial Government has exclusive jurisdiction over the subject of education.

HON. MR. VIDAL—I agree with the hon. member from Richmond that had these North-West Territories been made into provinces there would have been no question whatever about the jurisdiction, but I ask the House to permit me to call attention to this fact: In 1883 we passed an Act to create the Society of the Oblat Fathers, giving them precisely the same powers.

HON. MR. MILLER—If my memory serves me, we passed two or three bills giving partly educational privileges and party privileges of another character.

HON. MR. VIDAL—This Bill gives privileges of an educational character. As recently as 1886 we passed another Act incorporating the Sisters, the Faithful Companions of Jesus, giving to them similar powers. It seems to me very odd that when the Presbyterian Assembly ask for an Act of incorporation of the same character they should meet with this opposition.

HON. MR. MILLER—I do not think that is the ground of opposition at all.

HON. MR. SCOTT—I have not passed an opinion on the subject at all.

HON. MR. POWER—I think it was only last year, or the year before, that the North-West Territories received additional powers—powers beyond those which they had enjoyed before—and the district which had formerly been called by the general name of the North-West Territories, or at least a large portion of that region, was divided into four Territories, each of them having a legislature of its own of a certain kind, so that the question is not now in the same position as in 1883. I do not think there has been any change made since 1886.

HON. MR. MILLER—To what does my hon. friend allude?

HON. MR. POWER—To the division of the North-West into four Territories.

HON. MR. MILLER—For the purposes of representation in the House of Commons.

HON. MR. POWER—Yes, and it will be remembered that some three years ago we introduced the system of electing members of the local Council. I did not say that this Parliament had not the power to do what they are asked to do: I said I thought it was contrary to the spirit of the Constitution and to the general drift of our previous legislation. The matter is not one of any special consequence in itself of course.

The motion was agreed to and the Bill was read the third time and passed.

THE RULES OF THE HOUSE.

MOTION WITHDRAWN.

The Order of the Day having been called—

That a Select Committee be appointed to consider the Rules of the House, with a view of making such changes, *if necessary*, as may ensure greater *liberty* of speech on questions of great *public importance*.—The said Committee be composed of the Honorable Messieurs Abbott, De Boucherville, Howlan, Miller, Almon, Kaulbach, McInnes (B.C.), Macdonald (Midland), Bellerose and the mover.

HON. MR. ALEXANDER said:—From what transpired yesterday I could not fail to observe that the members of this House have not very much confidence in my judgment. The leader of the House, whom we all honor and esteem so highly, expressed views in that direction. When a gentleman of the large, legal and parliamentary experience of the Leader of this House takes the course which the hon. gentleman from Inkerman took yesterday, one of my age and of my limited experience might well pause before proceeding further with motions of the same character. The great respect which I feel, and have always felt, for the members of this House and especially for its present Leader, lead me to conclude that it is wiser to withdraw my motion.

The motion was withdrawn.

CENTRAL ONTARIO RAILWAY BILL.

MOTION.

HON. MR. READ—Before the Orders of the Day are read, I move that the petition of the Central Ontario Railway Company, praying for the passing of an Act amending their Act of Incorporation, reported upon by the Select Committee on Standing Orders and Private Bills on the second day of April last, be referred back to said Committee for further consideration. I may say that this petition was not reported favorably on, and I am informed that it has been taken under consideration again and favorably reported upon by the House of Commons. This motion is simply to refer it back to our Committee to see what action they will take upon it.

The motion was agreed to.

THE FISHERIES TREATY.

DEBATE CONTINUED.

The order of the day having been called:

Resuming of adjourned Debate on the motion of the Honorable Mr. Abbott for Second Reading (Bill 65) Treaty between Her Britannic Majesty and President of the United States.

HON. MR. KAULBACH said:—Yesterday before six I was following the hon. member from New Westminster in his vagaries over the British North American Continent, even to the Alleghannies, and I think it is well that it happened to be six o'clock; otherwise I might have very imprudently followed the subject much further than it deserved. My hon. friend was contending that England had not been loyal to us; that she was indifferent and supine as regards her British North American colonies, and he made assertions which to my mind were not in the interests of Canada. My contention then was, as it is to-day, that England has always stood loyal to her colonies, and if the colonies were as truly loyal to England, the empire would be strengthened instead of weakened.

Such speeches as my hon. friend made yesterday, advocating commercial union with the United States, and other matters irrelevant to the question, tend to weaken Canada in the estimation of England and in the estimation of the people of our own country. I say such remarks cannot tend to strengthen the British Empire or benefit the Dominion itself. Feeling strongly, as I do, that such aspersions, as regards England's consideration for her colonies, should be promptly met, I shall have occasion to refer to several cases in point that have come to my notice. I will first refer my hon. friend to what occurred in 1779, in his own Province, and I will read from Stanhope's life of Pitt—Vol. 2, page 49.

HON. MR. MCINNES—My contention was that it was only within the last 25 years that England was not true to Canada.

HON. MR. KAULBACH—I am very glad that my hon. friend, for his own sake, should confine it to 25 years. Those concessions were made more than 25 years ago, and therefore my hon. friend did not confine himself to the action of England within the last 25 years. If I were to go over his speech of yesterday I believe I could show that in several cases he went back to the year 1845. I am glad that he feels himself corrected as regards the limit within which he endeavored to asperse the conduct of Great Britain with regard to her British North American colonies. About 100 years ago Spain claimed all the Western coast of America from Cape Horn up to 66 degrees north latitude, which took in all of British Columbia. At that time the seal fisheries were considered of great importance. Some Englishmen residing in India came across in vessels and landed at a place now called Vancouver where they commenced a trade to supply the Chinese market with those furs. In 1789 two Spanish men-of-war were sent up to take possession of the British vessel *Iphigenia* which they did, and confiscated her and all the furs she had taken. What position did England take on that occasion? In the most positive terms England demanded a surrender of that vessel and when Parliament met, with great enthusiasm they passed a large amount of money for the purpose of sustaining the rights of British trades in these waters. There is case which shows plainly that England had not at that time lost an interest in her colonies. Then I would refer my hon. friend to the Oregon difficulty and I will read from the History of England by Molesworth, section, volume, page 169, a quotation from a speech of Sir Robert Peel which shows the feeling then manifested in England with regard to their colonies.

HON. MR. MCINNES—What year was that?

HON. MR. KAULBACH—That was in 1845, for which you asperse England's conduct:—

"There rises in the far west horizon a cloud, small indeed, but threatening future storms. Ministers were lately called upon to declare that they were prepared and determined to maintain the rights of this country. I own to you that when I was called upon to make that declaration I did recollect with satisfaction and consolation that the day before I had sent a message of Peace to Ireland. I deprecate war with earnestness; but if it should come, I pray that every pulse throughout the frame of the Empire may be found beating in harmonious union, Ireland ranged firmly on our side. I doubt whether, considering what is now transpiring, the vindication of the honor and interests of the country will not be committed to other hands, but whomsoever it may be committed, I shall take my place beside them, encouraging them by every support I can give in a just and honourable cause."

Those were the sentiments of Sir Robert Peel in the British House of Parliament. We have here another reference of the same character:—

"A dispute had arisen between our Government and that of the United States of America on the subject of the Oregon Territory, situated in North America, beyond the Rocky Mountains. President Polk, in his inaugural address, insisted that this territory unquestionably belonged to the United States. 'Our title,' said he, 'to the country of Oregon is clear and unquestionable, and already are our people preparing to perfect their title by occupying it with their wives and children.' The claim thus asserted was one that the English Govern-

ment was by no means prepared to admit. Public men of all parties here were firmly convinced that the country belonged to England by right of discovery and by right of treaties. In both Houses the representatives of the Government announced its determination to maintain the title of this country to the disputed territory. In the House of Commons the Prime Minister thus concluded a temperate and judicious speech on this important and exciting question: 'We have a right to this territory of Oregon, which is clear an unquestionable; we desire an amicable adjustment of the differences between ourselves and the United States, but if, after having exhausted every effort to obtain it, our rights are invaded, we are resolved and prepared to maintain them.' . . . . Lord Clarendon, in the Upper House, and Lord John Russell in the Lower, warmly expressed their determination to strengthen the hands of the Government in these negotiations, and in the consequences that might arise out of them."

There are the utterances of other gentlemen in Parliament, as well as Sir Robert Peel, which I will not quote, but from which may be seen the interest that England has always manifested in her colonies. Even some years ago, when the Afghan boundary question was in dispute, when we were excited over the trouble which it might make on our western coast, we found that immediately when a Russian man of war entered the harbor of Esquimalt, so vigilant was the British admiral on that coast, that he followed that vessel into the harbor, showing that the rights of Canada would not remain unprotected in that portion of the Dominion. I am sorry that I have taken up so much time with these matters, but I think above anything else it is important not to have the feeling go abroad that England has lost interest in her colonies, and at the same time to counteract any impression that may exist that there is a sentiment of disloyalty amongst her people. Talking about matters totally irrelevant to the question before the House, such as the fad of commercial union, it is not at all becoming the dignity of this body and is calculated to convey the impression that they are actuated by unpatriotic feelings. I do not believe that any sensible man in Canada who talks of commercial union can be loyal to his Queen and the Empire. It is annexation in *a domino*. It means that congress shall make our tariff and impose the taxes. It means the Munro doctrine—Canada's absorption. I have so far digressed from the question before us, but I am desirous, as far as I can, to briefly discuss the important question that is now before us. In the first place, I must refer to the remarks of the hon. gentleman from Midland. I think that hon. gentlemen endorsed this proposed treaty, and approved of the construction which our Government put upon the treaty, of 1818. He also, I think, endorsed the manner in which the Government, through their representatives, protected the rights of Canada for the last two years: but, at the same time, he denounced the treaty of 1818. He said it was barbarous that it was not according to the genius and civilization of the present day, and I think he said also that it was un-Christian. Now I differ from my hon. friend. I think his position is untenable and I think it is a slight upon our honor. If my hon. friend had considered it of that nature he ought not to have endorsed the construction put upon it and our maintaining our rights under that construction for the last two years in the way we have done. If it was so inhospitable and so un-Christian a treaty as he says it is, he has by his silence endorsed the Treaty itself. I contend that that Treaty was a contract entered into at a time in which we made great concessions—extraordinary concessions. If England had only comprehended the great extent of the privileges given to a foreign country I do not believe they would have been granted. After the war of 1812 any rights that the United States claimed were abrogated, yet I consider that, in a most conciliatory manner, England granted to them very large concessions. We gave them the right to fish from the lower part of Labrador all the way up to the North Pole under that Treaty. We gave them the same to Magdalen Islands, and what was more important than all—the right in parts of Newfoundland not only to catch fish but to land and dry their fish. It provoked indignation at the time, even in Nova Scotia, but it was a solemn contract, not made at the mouth of the cannon, but conceded in

the interests of the then contracting parties after volumes of correspondence and a careful discussion of every question at issue. The bait question was discussed, and that claim of the United States was not allowed. The treaty itself is so plain, the wording of it so clear, that even at the present day there is no ambiguity or uncertainty about the language. It manifests on the face of it that we give the American fishermen hospitality and shelter; that we conceded to them, at that time, all that they asked —the right of shelter on the coast for their vessels and the right of coming into port and repairing their vessels when damaged. We conceded to them the right to obtain supplies of wood and water, and the tone and spirit of the Treaty are so plain, that it is clear they were to have nothing else—that they knew it, and in no way can they claim anything further under it. To my mind there can be no question about what at that time was conceded by this Treaty. That we had the right to make this Treaty is clearly shown by the history of events. We find that in 1815 and in 1817 England sent her men of war to our coast to seize all foreign vessels that were in the harbors or shores fishing or at anchor and let the owners of them prove that they were in no wise trespassing upon the rights given to them. I have brought these facts before hon. gentlemen to show that this Treaty is not of the barbarous and un-Christian character that my hon. friend supposes. I shall have to refer to some remarks from the hon. gentleman from Ottawa, the leader of the Opposition in this House, and were it not that he stands at the head of a large body of gentlemen who we might presume entertain his views I should not refer to his speech at all. When the hon. gentleman spoke in the debate on the Address, he could not plead ignorance of the nature of this Treaty. He was in a position that I was not in at the time; he came here after having read every article of the treaty, and after having given it all the consideration it was entitled to, and he denounced it inviolent terms. He called it a base surrender of Canadian rights, and I, not having seen the treaty and not having any official knowledge of his contents, felt a little startled at my hon. friend's denunciations and the emphatic manner in which he condemned everybody connected with it. I at once rose and said to the House, that, coming as I did from a part of the country where the fisheries were of vital importance, if the views of my hon. friend were correct I should, when the question came properly before us, support him in denouncing the Treaty. But my hon. friend said at first:—

> Mr. Chamberlain came to this country to negotiate a treaty. He came in obedience to British sentiment, in obedience to the desire of British statesmen, that those causes of contention and trouble that had been cropping up from year to year between the two countries should be removed. He came here with a desire that the trade relations between the two countries should continue, and that Canada should go under if necessary in order that peace should prevail. I say it would have been far more chivalrous and far more in accordance with the sentiments of the people of this country if all that has been conceded in that treaty had been given by us voluntary, and we had said to the Americans: "We want to trade with you, and if you wish to put this construction on the treaty, do not go though the form and farce of submitting it to plenipotentaries over whom we have no control."

The first portion of my hon. friend's remarks I approve of. If he were sent out on a mission of peace in the interests of the empire I am sure he came out for a laudable purpose, but that he came here, that the interests of Canada should be swamped I was not prepared at the time to conceive. My hon. friend, continuing called this treaty an abject surrender of our rights, and subsequently, in reply to the mover of the resolution, he said:—

> I should like the hon. gentleman from De la Durantaye, after I have sat down, to rise and point out where the concessions are on the part of the United States; if he can show them he will confer a favor on myself and others who, like myself, do not want to see our country sacrified.

Now I have proved already, as far as this goes, that the treaty was not forced on this country by Great Britain—that Great Britain has always supported us in all our contentions under the treaty and was ready at any time for the last two years

to stand by us and give us moral and material support, which was of great importance in a matter of this kind to a young country confronted by an aggressive and powerful neighbour. Sir Chas. Tupper has told us that the other plenipotentiaries cordially supported and stood by him and everything that was done received their hearty support. Canada virtually makes her own treaties now and we have the assurance that the strength of the British Empire is at our back to sustain us in maintaining those treaties. Then we have my hon. friend saying that we have abandoned the construction which has been put on the headland question for nearly 100 years before—that it had been recognized by the nations of the world what the headland question meant—that it meant the part of the ocean included within the great headlands of a country. But my hon. friend did not take that position the other day: he goes back entirely upon it and instead of saying that the nations of the world conceded that question he contends that we are asking too much all the time—that we have been demanding a greater area along our sea coasts than we are justly entitled to and that we had in consequence provoked the United States. He says that our neighbors feel aggrieved over the extreme demands we have made and that this to a large extent has prevented the treaty which is now before us being ratified by Congress. He says again, "I have not yet seen a mutual and generous concession made. Can any hon. gentleman present point out in what particular the United States have made concessions to Canada?" And he said in another place that it was a complete surrender of our rights—that the concessions were all on our side. But now he jumps "Jim Crow," and says that we had not made concessions enough, and that he supported the treaty with all his heart. Such statements, coming from a leading member of this House, placed him in an unfortunate position, and tend to render his opinions on this question, at least, of no value. He pronounces himself now a friend of the treaty, yet by the course he has taken he has proved himself to be its enemy and his language is calculated to intensify the ill-feeling which, he says, exists in the United States on this subject. I shall not refer to what he said about the distinguished British statesman who supported Canada's rights in the settlement of this question, because the language which he used is not only discreditable to himself and unjust to the gentleman against whom it was directed, but it is calculated to injure the cause which he professes so heartily to support. Every phase of assertion and disingenuous argument was used to destroy the treaty and to discredit the gentlemen who framed it. The hon. genleman also referred to the irritating way we exercised our rights during the past two seasons in the protection of our fisheries. He cited many cases from this blue book, and I only wonder that he was unable to find a solitary case during those two years in which a seizure was made that could not be justified. I consider that the officers of the Government must have acted with very great prudence and caution to have avoided making one improper seizure, and the Government and their representatives deserve to be commended by this House for the prudent course they have pursued. One improper seizure might have offected our relations with the United States in a manner producing very serious consequences to ourselves, but my hon. friend should know that of all those cases mentioned in the blue book, not one has ever been investigated in the United States. They were sent at once to the British Minister at Washington no matter how reckless or unfounded the assertions were, and these have been collected and made a grievance on the part of the United States Goverment. My hon. friend from Ottawa seemed to endorse everyone of those statements and give credence to them by citing them here. It was not fair and it had a tendency to injure the position of the treaty in its consideration at Washington. I will now read one of the instructions given to the Government officials. They were strictly cautioned not to exceed the limits of their power :—

"It cannot be too strongly urged upon you nor can you too earnestly impress on the officers under your command, that the services in which you and they are engaged

should be performed with forbearance and discrimination. The Government relies on your prudence, discretion and firmness in the performance of the special duties entrusted to you."

These were the instructions given to the officers in command of this small protective fleet, and I am sure when we consider the manner in which these American fishing vessels entered our harbors and the feeling they exhibited—their determination to override our rights—it is a matter of surprise that more seizures were not made than were effected. I tell the hon. member from Ottawa that if he had known the feeling in Nova Scotia during the years 1886 and 1887, and had heard the complaints which were made down there by our fishermen, he would think differently on the subject. The complaint was that indulgence was shown to American fishermen which was not fair to our people, and that the laxity of the Government gave rise to many violations of our rights, which to our people was inexplicable. Instead of the feeling (which my hon. friend tried to excite in this House and intensify in the United States) that we had exercised our rights in a tyrannical and barbarous manner, and had not exercised common humanity in maintaining our rights, the feeling was quite the reverse. It is not fair that my hon. friend should allow himself, from any motives, to be drawn away from the facts of the case, and if he is honest in the desire he has expressed to have this treaty ratified, he could not take a course better calculated to defeat that end. I shall now refer briefly to the proposed treaty itself. We must ask ourselves, before we consider what concessions we have now made, what the United States claim under the treaty of 1818. I will ask you whether the extent of our shore fisheries is larger and better and more defined under this proposed treaty than before or not. We have before us what the United States claimed. They contended that we had no exclusive right beyond the three miles limit following the sinuosities of the coast, or in bays more than six miles wide. It is true within the last year or so they were willing to extend those bays to ten miles. They said that this was a concession that they were willing to make to have the difficulty settled. They claimed also that their fishing vessels, when entering our harbors for the four purposes mentioned in the Treaty of 1818, should not be subject to our customs laws, that they should be entitled to purchase bait and make our harbors a base of supplies and transship their cargoes and ship crews. These are rights that they set up and contended for. Now it is quite evident that there have been great concessions made on our side; but at the same time the United States Government has come down from the position it took and by this Treaty has admitted that the contentions made by Mr. Bayard were not justified. Whether this Treaty is ratified or not, we have the admission made that they claimed more than they were entitled to, and we have their admission as to what our rights really are. They have taken a position from which they cannot recede. We have maintaintained all our rights and privileges in this matter except those which humanity would dictate to us to surrender, and we should not consider them in the light of sacrifices. I am in this position here: I come from a Province to which the fisheries are of vital importance. There is no other interest, except the farming interests, which is of equal importance to us. I come from a county which is populated by a people inured to toil on the seas—people for whom I have an affection, whose interests blend with my own, and whose rights I am prepared to defend, but not to such an extent that even in their interest I would oppose a treaty which I believe is for the benefit of Canada's coast fishermen and people generally. I have to rise above my own personal interests and affections: I would surrender them all, if necessary to do so, in order that mutual justice and right should prevail. We find Secretary Bayard admitting that this treaty is a fair interpretation of the treaty of 1818—a fair, just and equitable interpretation. Then where are all these contentions that they had set up? All abandoned. Then I have before me the President's message, in which he says that this treaty is framed in equity and confers reciprocal benefits. Coming, as this does, from the Executive of the United States and the Secretary of State and their plenipotentiaries in this matter,

and supported as it is by the great Democratic party in the United States, even if it should be thrown to one side and be of no effect, I ask have we Canadians not gained a moral victory and maintained our rights and privileges with honor and dignity to ourselves? The President's message to the Senate on the subject of the treaty leaves no room for doubt as to the justice and right of the Canadian interpretation of the convention of 1818. He says, for example :—

"The right of our fishermen under the Treaty of 1818 did not extend to the procurement of distinctive fishery supplies in Canadian ports and harbors; and one item supposed to be essential, to wit, bait, was plainly denied them by the explicit and definite words of the Treaty of 1818, emphasized by the course of the negotiation and express decisions which preceded the conclusion of that treaty."

Again, referring to the article on the subject of the admission of Canadian fish into the United States free of duty, the President said :—

"The addition to the free list of fish, fish-oil, whale and seal oil, etc., recited in the last article of the treaty is wholly left to the action of Congress; and in connection therewith the Canadian and Newfoundland right to regulate sales of bait and other fishing supplies within their own jurisdiction, is recognized, and the right of our fishermen to freely purchase these things is made contingent, by this treaty, upon the action of Congress in the modification of our tariff laws."

Canada can without injury to the interests of her own fishermen, stand upon the rights recognized by the new treaty in the event of the American Senate declining to accept it, and in that case it will be virtually impossible for the President to proclaim the non-intercourse act. Whatever may happen — whether this Treaty should be rejected by the United States or not, we stand in a position incomparably better than that which we occupied a year ago, when the people of the United States were exasperated, when they put upon their statute books an act of non-intercourse with us. To contemplate the effect of such legislation if persisted in and put in force, is beyond my powers of imagery. Does anyone suppose that the United States would, after this, attempt to put in force such legislation when this Treaty is backed by a majority of the people? I think not. Therefore, whatever may come of this, we may thank Great Britain, our plenipotentiaries, and more particularly we may pride ourselves on having a representative Canadian at Washington, a man of Nova Scotia who has been faithful in this matter, who has always been known to be true to his country, a loyal subject, one who never talks Commercial Union and fads of that description, a man who is loyal to his country in every position at home and abroad, and never sacrificed the interests of his people. I may refer to the proposition which Mr. Bayard made a year ago when he wanted to have this question settled. He took the positions, and he stood on all the rights to which he had a shadow of claim, further than that he made suggestions which our Government were obliged to repel with righteous indignation. He asked us to surrender the right to adjudge any dispute in our own country—he asked us to take such cases out of the hands of our judiciary and place them before a tribunal, one member of which was too be the officer of a foreign vessel. We are asked to give the United States fishing vessels commercial privileges—that they should not be subject to our customs laws—to give them, in short, rights to which even our own fishing vessels are not entitled in our ports, more than that he asked us to admit that American fishing vessels had a right under the treaty of 1818 to purchase bait in our ports —that we should give up all vessels under seizure for infraction of the customs laws and let the question of damages for their seizure be referred to a tribunal for sttlement. That, to my mind, was imposing too much on the common sense of our people. Let us compare this proposal of a settlement, made a year ago, with this treaty. We find that after all, while we have made some concessions, none of them are concessions which we should hesitate to make, especially in view of the fact that we are not infringing on the rights and interests of the people of the Lower Provinces, or our great fishing industry. The first article of the treaty deals with the shore rights; on that we have made no

surrender. I will not take up the time of the House by commenting upon it. Part of Article 3 deals with headland rights which, as we never actually enforce them, we lose nothing by conceding. It is true we claimed the headland rights, but as we never exercised them we cannot be said to have abandoned anything substantial. On the contrary, we gain not only bays ten miles wide, but we have got besides all the important bays, I believe, in Nova Scotia ; I cannot speak of the other provinces. I have made inquiries of the fishermen and they tell me that there is nothing in this article that will affect their shore rights : in fact, in many places it extends them beyond the limits they supposed they would have. In order to leave no doubt on the subject, Article 5 provides that even in the case of bays which are more than ten miles wide we have exclusive jurisdiction if they cannot be approached without coming within three miles of the coast of any island that may lie at their mouth. By that, I believe, we gain many bays. We have gained the Bay of Chedabucto. In order to get that we permit, what we had always granted before, the free navigation of the Straits of Canso. We have not lost anything by that because it has always been regarded by us as in our interest to be, as a highway for vessels of all nations. If we had not done that, I doubt whether we would have got Chedabucto Bay included in the exceptional privileges secured to us under the ten miles limit.

HON. MR. MILLER—That is under the specific delimitation.

HON. MR. KAULBACH—Yes, there is another important thing here : that is with regard to entering bays and harbors: the American fishing vessels are required to conform to harbor regulations, a matter of very great importance to us. The Americans contended that they were not liable to those regulations, and many of them came into our ports and interfered with our rights. These aggressions gave rise to grievous complaints on the part of our fishermen. These American fishing vessels came into our harbors in a most reckless manner, regardless entirely of the rights of our shore fishermen. In fact, they seemed desirous of doing what injury they could. Whenever they found nets set, they would run across them and carry them off to sea. Complaints of this conduct on the part of the American fishermen was made from year to year, but no redress was obtained. I remember bringing this matter before the Government of Canada, but I failed to discover a means of having these wrongs righted. The American fishing vessels must now, under this treaty, conform to our regulations, and will not be permitted to injure and destroy our shore fisheries or fishermen's nets. My hon. friend from Prince Edward Island (Mr. Haythorne) thought that we had not taken proper care to include this in the treaty, but if he refers to Article 10 he will find that it is included within its terms. The next article provides that American vessels seeking shelter in our ports, or entering them for any of the four purposes mentioned in the treaty of 1818, need not report or clear at the customs unless they remain longer than twenty-four hours. It seems to me that this is only a humane regulation, especially when the customs officer might be a long distance from where the vessels are. This is a concession which not even the fishermen on our coa would object to. I must say for the fishermen of Nova Scotia that they are most generous and noble race of men. They are improvident sometimes : they give away their last cent to help a friend. They like to stand on their just rights, but you will hardly find among the whole fishing population on our coast one who would refuse to do what is just and fair, or what hospitality or humanity would dictate. Then there is the exemption of certain fishing vessels from duties when they come into our harbors for any of the four purposes specified in the treaty of 1818. There is nothing unreasonable in this provision. As to the exemption from light dues, I do not think we charge any—in any part of Canada, certainly not—on the coast of Nova Scotia. It may be different in Newfoundland. I believe they raise a large revenue from light dues for the protection of their harbors.

HON. MR. MILLER—We have no tonnage dues either.

HON. MR. KAULBACH — In that you are quite correct. Then article ten allows fishing vessels which come in under stress of weather, or in case of casualties, which necessitate unloading, to transship the cargo, to replenish outfits, obtain provisions and supplies to replace those damaged or lost, and in case of death or sickness to obtain men. You will perceive that they are not given a right to transship under all circumstances. It is only when they are come in to repair damages, if they are obliged to, in whole or in part, unload the vessel, that they can transship. My hon. friend from Prince Edward Island took the view that the loss of a bowsprit or a topmast would be construed as sufficient ground for transshipping, but I contend that they can only have the privilege in case it is necessary to unload the vessel to make repairs or when they have some fish that would be injured by delay. Although this is a great concession which we make to the American fishermen, and while I admit that it would be better in the interest of our fishermen and for us if we did not allow them such privileges under any circumstances, at the same time it does not allow them to make our ports a base for supplies. The article is dictated by common sense and humanity, and while to many it may appear like giving the American fishermen a great advantage, I do not believe that our own fishermen will disapprove of it. A vessel can come into our ports and obtain such provisions as are necessary for the home voyage: that does not seem to be unreasonable. They could not make our ports a base of supplies, because they cannot procure anything that is to be used in fishing. They are only allowed to procure such supplies as a trading vessel requires, such as molasses, tea, coffee, parafine or something of that kind. They can only get such supplies as a trading vessel may require to carry them home, and for no other purpose. I do not think they can take advantage of that, and I do not see anything in this Treaty which would enable them to violate the rights secured to our fishermen. They cannot, under cover of this privilege, engage in smuggling, because there is additional protection against that now; each vessel must have its registered number conspicuously displayed on its bow. This enables our officials to identify them and obviates the difficulties which might exist when we extend and increase the causes for which those vessels may enter our ports. It furnishes additional protection against the violation of our laws, either the customs laws or those regulations which are applicable to merchant vessels. We have also made great concessions with regard to penalties. I think these concessions are right. Latterly we have left a great deal to the discretion of the judges. Even the penalty for illegal fishing is not confiscation of the vessel's outfit and catch necessarily: that, as well as other penalties, is largely in the discretion of the judge. Then, I think it is a wise provision which is made for the summary disposal of cases which may arise: they can be tried and settled on the spot, if it happens to be a place fitted for holding an investigation, or in the nearest port, in the most inexpensive and summary way; and for lesser offences, such as buying bait, we make the penalty very light.

We give a further advantage to the United States in this matter, to show our desire to do them simple justice, and not to punish vindictively or take advantage of them in our courts—we give them the right of appeal, a privilege which is not granted to the Government of Canada. I think the terms of this treaty are liberal and generous, and we have shown a desire to concede everything that we could honorably concede without sacrificing the rights of our own country. We do not give away our inshore fishery rights at all. We have privileges under this treaty which we did not have under the reciprocity treaty of 1854, or the Washington treaty of 1871. Under this treaty we preserve our rights to all our inshore fisheries, which I feel is a matter of vast importance to us. Their great value cannot be estimated, and far beyond any estimate in dollars and cents. We have retained those rights, and we only concede the privilege of getting bait and fitting out with supplies, on the condi-

tion that they give us free fish. I believe that we gain largely even in that, but our deep sea fishermen are now beginning to feel that if we can retain the bait for ourselves we can afford to do without the American market. It is only one particular kind of fish that the Americans want, the fat mackerel, and we find that by protecting the fisheries in the way we have done during the past two years, the American catch has been short, the demand has been greater than the supply, the price of fish has gone up in the United States market, our fishermen get a better price, and the consumer in the United States pays the duty. It is a noticeable fact also that outside of the waters of Canada valuable fish have not been as plentiful as they were before the abrogation of the Washington Treaty. The fish seem to be desirous of being preserved within the territorial limits of Canada, to avoid the indiscriminate slaughter that was carried on along the coasts of the United States. They seem to have an instinctive desire to keep away from the American fishermen and have during the past two years frequented our shores in large numbers. If the American fishermen had the right to come within our three mile limit, the same destruction would be carried on there that has ruined the fisheries of the New England States. We must all feel that the encouragment of our fishing industries will be the means of having, on all occasions a source from which to draw mariners for the defence of our country if we require them, there are no men so inured to toil and hardship, and no men better acquainted with a sea-faring life, and a more noble, industrious, brave set of men cannot be found. They are devoted to their country and loyal to the Crown, and no men are more susceptible of a patriotic feeling than the fishermen of Nova Scotia.

Hon. Mr. McCLELLAN—Will the hon. gentleman give us an opinion as to the powers of the United States fishermen to discharge cargoes and forward them by rail overland in certain cases of distress under this treaty? Can they forward their cargoes to the United States by rail?

Hon. Mr. KAULBACH—I think so. As I read the treaty, when for certain purposes have the right to land their cargo they can also forward it by rail. Under this *modus vivendi* I think it was a very prudent course to adopt.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. KAULBACH—I am very glad that I please my hon. friend. It is to prevent any trouble that might otherwise arise in the course of protecting our rights—trouble which might irritate our neighbors in such a manner as to prevent finally the passing of the Treaty. It was to my mind a very wise and judicious policy. I wish, myself, that the interests of the deep sea fishermen were better protected, for this Treaty gives the United States fishermen a great advantage. We have more than half the vessels engaged in the deep sea fisheries in the County of Lunenburg, and to us the question of bait is one of deep and vital importance in connection with that industry. The Americans, under this Treaty, have the privilege of coming into our ports. Bait cannot always be got even by our own fishermen, and the Americans come in, and instead of the ordinary price of two dollars a barrel, they will buy it at any cost. The Americans have been known, even under the Washington Treaty, to come into our ports and buy herrings at such prices that our fishermen could not compete with them, because they could not afford to pay such prices as their competitors, on account of the Americans having their own markets not only for home consumption but for export. The duty which is put upon fish caught by our fishermen was equal to a bonus to the American fishermen, who could afford to give almost any price for bait rather than be without it. This is against our deep-sea fisheries I admit, but that interest is not the only one to be considered. There are the poor fishermen along the shore who are not able to fit out a vessel at a cost of $10,000; they must live on the little land they occupy and the few nets that they have along the shore, and it is of great importance to them if instead of one

dollar a barrel for herring and the other bait they can catch, they can realize five, six or ten dollars a barrel.

HON. MR. POWER—Five, six or ten dollars?

HON. MR. KAULBACH—Yes. I have heard the Americans have given as much as ten dollars a barrel for bait at times. Then there are other interests. The coopers, barrel makers, or stave men, and the men who furnish supplies for those vessels are all anxious to have the American fishermen come in and get supplies from our traders. Therefore, although the deep sea fishermen are to a large extent losers by this treaty, it can only continue for two years at the furthest, because, if the treaty is not then adopted by the Americans, in the interests of the large industry that we have in Nova Scotia, we must at once cancel it, and revert to the Treaty of 1818. But, if by keeping this matter in abeyance, until after the next Presidential election, it will have the effect of passing the treaty in the United States, it should be strictly adhered to. If, however, the Government should come to the conclusion that the United States, regardless of the rights and benefits they are getting under this treaty, which they had not under the treaty of 1818, are determined to reject it, then I say we should cancel the protocol and tell the Americans that they cannot get bait or supplies, or the transhipment of their cargoes or any other privileges which they have not absolutely acquired under the treaty of 1818. It is said that the $1.50 a ton license fee charged to American vessels is a mere trifle compared with the great privileges we are giving them under this arrangement. It may be asked what our fishermen are to get. I am not undmindful or indifferent to this, neither, I think, are our Government, who have always stood by our fishermen. I hope the Government will endeavor to extend their market. Our sympathies should be with these people, and they should be protected as far as possible in their rights in obtaining for them an offset to the advantages which the American fishermen secure under this license system. The disadvantage which our deep sea fishermen are under at the present day must be quite apparent to any hon. gentleman who takes the trouble to investigate the subject. The Norwegian fishermen are competing keenly with our people in the different markets. We have the French fishermen coming to our coasts and catching largely our fish, and selling them under a bounty of $1.75 per quintal; and under this privilege they can command all the markets into which our people ventured in Spain, Portugal, and the Mediterranean ports. Then the Americans, on the other side, with their subsidized line of steamers running to and from the West Indies and Brazil have an advantage over us again. We are hampered, surrounded, and handicapped by other countries by way of bounties, and it is the duty of our Government to do all that is in their power to further extend our trade with the West Indies and Brazil and other countries that would afford a market for our fish. I think our Government have done more than justice to the United States. They have done equal justice to a large proportion of our own fishermen, and as far as I can see the only interest that will suffer under this Treaty is the deep sea fishing interest. The leader of the Opposition has shown from statistics the advantages that the Reciprocity Treaty of 1854 afforded to both countries, but the largest gain was to the United States. They placed more goods in our market in twelve years by nearly 100 millions of dollars than we did in theirs. That was paid for by the money of this country which went over to our neighbors to pay for the labor of manufacturing the goods that they sold us. I may say, however, I am ready at any moment and I believe the Govertment are anxious to secure reciprocal trade with the United States in the products of our fisheries, farms, forests, and mines. After the abrogation of the Treaty of Washington in 1885 did we at once return to a strict enforcement of our rights under the Treaty of 1818? No, we were willing to allow American fishermen to enjoy the privileges which had lapsed a whole year for nothing, rather than by a sudden termination of their privileges be the means of creating unfriendly feelings.

It was suggested to us that by making that concession we would show our generosity and such a manifest desire to act fairly, and more than fairly, towards our neighbors, that they would reciprocate in the same manner. I believe that by the concession made that year, together with the fair, proper and prudent protection of our fisheries for the last two years, we have brought about this Treaty. Our fishermen thought it was a great surrender, an important concession to the United States fishermen, to grant them the use of our fisheries for nothing for the season of 1885, and the Opposition denounced the Government for having surrendered our rights regardless of the interests of our own fishermen. Had we not made that concession the Americans would have said we had not given them time to consider the question; and had we yielded to the demands of the Opposition and stood upon our rights, had we defied the Americans and excluded them from our fishing grounds, the Opposition then and to-day would have been denouncing us for endeavoring to exasperate the Americans and irritating them so as to prevent the ratification of any treaty whatever. In submitting the treaty to the Senate, President Cleveland gave it his hearty endorsation. "The treaty meets my approval," he said, "because I believe that it supplies a satisfactory, practical and final adjustment, upon a basis honorable and just to both parties, of the difficult and vexed question to which it relates." When, therefore, in the future, if the Senate should reject the treaty, Canada excludes American fishing vessels from entrance within the three-mile limit for any other purposes than shelter, repairs, wood and water, it will be impossible for President Cleveland to enforce a non-intercourse act, for he has admitted that the exercise of these exclusive rights by Canada is "honorable and just to both parties." Even if this treaty should be thrown out by the United States, I think there remains to us a very valuable conclusion arrived at by the Commission. Now we know exactly what the Americans admit are our rights, and Canada will be in a position to claim to the world that in the interests of humanity and international comity, she has offered great concessions to the United States. We have this as a vantage ground, even though nothing comes of it. In the end we can fall back on the treaty of 1818, backed not only by the power of Great Britain, but by the support of the President and the Executive of the United States, and by the large independent element and the great Democratic party, who will be in sympathy with us. Instead of having a nation unanimous in hostility to us and ready to go to war on this question, we will have the great bulk of the intelligent American people, with their President and Executive saying that the treaty as offered by Canada is a just and generous settlement of this difficult question. I should be afraid of what the consequences would be if we refused to grant terms such as these we have before us. We settle this question with peace, with honor, and with advantage, under this treaty; and I believe that when our fishermen know that their rights and their inheritance of the shore fisheries will be protected forever, whether this treaty passes or not it will be a means of encouraging that great industry, and the Government will feel that it is their duty to make every effort possible to give us more extended markets for our fish and by that means largely advance the prosperity not only of that industry, but of Canada as a whole.

HON. MR. DEVER—After the feast of loyalty and other subjects which we have had during this debate, and which have had no relevancy to the question before the House, I think I may ask permission to apply myself directly to the subject under discussion. The question is, shall we accept this treaty, or reject it? That seems to me, is the question to be debated here to-day. For my part, I feel that if the Treaty of 1818 is not binding, I cannot see how this treaty will be binding either. The parties who broke one treaty will certainly break another. I am one of those who believe that the Treaty of 1818 was a fair deed of settlement of property and privileges belonging to the Maritime Provinces. Any gentleman looking on the map of those pro-

vinces, must see that the fishing grounds by nature belong to the inhabitants of those provinces. For the first time in my life, I heard the Treaty of 1818 called a barbarous treaty in this House. I can look back for fifty years on it, and never before did I hear it called a barbarous treaty. On the contrary, I always understood it to be a contract securing the fisheries to those Provinces, as much so as any other portion of their natural wealth. In fact history tells us that those fisheries were the cause of the early settlement of the country. In the neighborhood of 300 years ago, some French adventurers sailed up the Bay of Fundy—entered the river, on St. John's day, the 24th June—hence that river in New Brunswick is called St. John. Some of these Frenchmen afterwards settled in Nova Scotia in the place now known as Annapolis. They considered then that Nova Scotia and New Brunswick were one country and they named it Acadia or the land of abundance from its great supply of fish. Those fishing privileges were the great inducement for settlement. New Brunswick was separated from Nova Scotia in 1784. In 1710 the English of Boston took Annapolis, and in 1749 other Englishmen arrived in Nova Scotia and afterwards built the town of Halifax now the city of Halifax. The Bay of Fundy into which runs the river St. John is teeming with all kinds of fish—cod, pollock, herring, mackerel, salmon, &c., &c. It is a vast source of wealth to Nova Scotia and New Brunswick for its fishing privileges. We now call around to Shelburne, Liverpool, Lunenburg, Arichat, and other places in Nova Scotia, and point out the great employment and remuneration which is found there in fishing pursuits. Then go on and see Prince Edward Island, the north shore of New Brunswick, the Baie des Chaleurs, &c., &c., and are we to be told that the harbors of those places, are now to be thrown open as a basis to obtain bait and other supplies, are worth nothing? I think that is the term used by certain hon. gentlemen the other night in the debate —that really and virtually we were giving away nothing. We are giving away those privileges that our own fishermen will have to compete with in the surrounding and adjacent waters, with the same bait, with American fishermen, a privilege they never had before, except under treaty by which they gave us a *quid pro quo*. I would simply say here that individually I would scout the idea of giving those privileges to the American people. I think it a shameful act that can only be justified on the ground of expediency, the expediency of being at peace and on good terms with near neighbors such as the American people are to us. But let me now deal with some of the inconsistencies of previous speakers on this subject. The senior member from Halifax is not pleased because the American fishermen were kept at bay. He is now not pleased because we make reasonable concessions.

HON. MR. POWER—I never said I was not pleased because they were kept at bay.

HON. MR. DEVER—The hon.gentleman was very much displeased because our cruisers kept them at bay during the last year or two.

HON. MR. POWER—Not at all; I always endorsed the conduct of the Government on that point.

HON. MR. DEVER—Then I beg the hon. gentleman's pardon; I misunderstood him. As to Mr. Chamberlain, I have no doubt he did the best he could for his sovereign and his country. The hon. gentleman from Midland thinks the treaty of 1818 a more barbarous treaty that should be altered. Others might think that the Ashburton treaty was a more barbarous one. Hon. gentlemen are perhaps not aware that under that treaty between Great Britain and the United States, we gave up a large portion of New Brunswick which, from that day to this, we claim had been improperly given up. But we never sought to reform that treaty. We never fell out with our neighbors about it, though we often felt and had reason to feel that we certainly did not get our rights under that treaty. I hardly think that my hon. friend would want to give up any of his well earned property because some people might believe they ought to get the use of a little of it. I

think he is too wise and fair a man for that. Now, what are the privileges that these Americans want? They want to get on a level with our fishermen by acquiring a base of operations which they cannot get along without. We know that the privileges ws have in the Maritine Provinces of supplying bait places us in a position that gives us a monopoly of the fishing interests of those provinces, and the surronding waters. Imagine the position of fishermen attempting to catch fish without bait. Now, if we choose, in our own interest to refuse bait to American fishermen, it is easily seen that the operations of American fishermen would amount to nothing as compared with our fishermen, and their right to fish on their own ground besides. But talking of the barbarity of the Treaty of 1818, might we not retort by saying that the Americans are quite as barbarous in not giving us a share of the coasting trade, a pursuit that we could follow with great advantage on account of the facilities we have in building and fitting out small wooden craft for which our country is well adapted? But I hardly think that the American people, notwithstanding the fact that we are next door neighbors, and could do this trade better than they can, consider it very barbarous they do not concede these coasting privileges to us. Might I not ask, is it not as dishonest to try and break the Treaty of 1818 as it is to break the terms of any other written document without giving consideration for it? This is precisely what our friends are trying to do—to break the terms of a treaty which was solemnly and fairly entered into, signed and witnessed as a fair conveyance of the rights of British subjects, residents of the Lower Provinces of this Dominion. But I might say to my hon. friend, with referrence to the generosity with which he and many other hon. members in this House are overflowing, that generosity sometimes takes strange flights. It indul ges, I am told, in free love and in putting apart what that good Book, which is said to be the voice of Deity, says, "What God hath joined together let no man put asunder."

HON. MR. POIRIER—I would like to ask the hon. gentleman if that free love has any connection with fishing smacks?

HON. MR. DEVER—To wind up this debate, as far as I am concerned, it is my opinion that this treaty is one of xepediency. It is not such a treaty as in my opinion the people of this Dominion would voluntarily give if it were not for a desire to be on good terms with our neighbors, and if it were not for the fact that after all, to carry out and maintain our rights under the treaty of 1818, we necessarily have either to submit to the position of the Mother Country, and inasmuch as Great Britain finds it expedient not to carry out the old treaty as I think it should be carried out, it is better to make a concession to the United States for the purpose of maintaining friendly relations, though, as one individual in this Dominion, I feel that if I had the power I certainly would regret giving up such great concessions as those people are about to obtain from us under this treaty. My hon. friend from Prince Edward Island—who is always competent to speak on the fisheries question, and whose experience in the fisheries is almost historical, and, of course, everything he says on this question is entitled to a great deal of consideration—said one thing the other night that I think is rather illogical. He said that Daniel Webster never complained of the treaty of 1818. Daniel Webster was a good authority; he was a capital lawyer, and I daresay he was a true patriot in his own country, yet he never complained of the treaty of 1818; then, I ask, how is it his successors are so anxious to abrogate it?

HON. MR. HOWLAN—What I did say with regard to Daniel Webster is this: that he never found fault with the construction placed on the treaty by the treaty by the British government with regard to the headland question.

HON. MR. DEVER—I think the hon. gentleman said that Daniel Webster never complained of the treaty of 1818, and I mean to say that if Webster never complained of it it cannot be a very barbarous one.

HON. MR. MACDONALD (B. C.)—Was the Bay of Fundy closed to American fishermen under the treaty of 1818?

HON. MR DEVER—It was subsequent to that they got the privilege of fishing in the Bay of Fundy. An arrangement was made with the United States to that effect, formerly we claimed the exclusive right of fishing there. He also said that American fishermen have no advantage over ours. Now, I do not pretend to be a fisherman or any great authority on fishing, but I cannot reconcile such a statement with my mode of reasoning. How any hon. gentleman can say that the fishermen of the United States, having the privilege now of fishing in waters that they could not fish in before on payment of a small license of $1.50 per ton on their fishing vessels as against the $2 a barrel duty we pay on fish into the United States.

HON. MR. HOWLAN—I said nothing at all of the kind, and there is nothing at all of the kind in the Treaty. They are not to fish in waters that they did not fish in before. There is nothing in the Treaty by which on paying $1.50 per ton they can fish within the three-mile limit.

HON. MR. DEVER—I am stating that they could not fish in our waters without paying. Here is the object. They get our bait which prepares them for fishing.

HON. MR. KAULBACH—Where?

HON. MR. DEVER—In the deep sea and surronding waters. They can cast their lines nets and seines right outside of our line.

HON. MR. HOWLAN—They cast their nets and seines outside of our lines now.

HON. MR. DEVER—In case of a vessel making a catch of 600 barrels, if one of our fishermen go to the natural market with those 600 barrels, he has to pay duty of $2 per barrel. There is $1200. Now take an American vessel of the same size paying a license fee of $1.50 per ton, you will see that the American owner pays only $150, as against the Canadian paying $1200 for going into the same market.

HON. MR. HOWLAN—Not at all.

HON. MR. DEVER—Yes, that is the position. An American vessel of 100 tons pays only a license fee of $150, and has to pay no duty on its cargo of fish on returning to market.

HON. MR. MACDONALD—We get that $150.

HON. MR. DEVER—Yes, we get $150 out of the $1,200. There is no use trying to gloss this over; it is just as well to let our American friends know where we are being pinched, and that they are getting a capital bargain for which they ought to be very grateful, instead of pretending they are not going to pass this treaty through their Senate. They ought to be more straightforward. That is the position we are in. In case this treaty does not pass during two years, their fishermen can fish by payment o $1.50 per ton license, and we can average their vessels at 100 tons per vessel. My only regret is that we have not appointed a Committee of competent and careful members of this Senate—six or seven of our most experienced men to figure the thing up, and then we will have the commercial aspect of this treaty in such a light that if we consent to it we would be knowingly consenting. But this slipshod legislation and discussion that have been going on here for the last three or four days cannot be legislation or discussion that we ought to expect on a grave and important question of this kind, one of the most important perhaps that ever came up in this Parliament except possibly the great Pacific Railway Debate. The hon. gentleman says also that there is nothing given in this Treaty to the Americans. If that is so, why is it that we refused them those privileges in 1818, or during these seventy years only when they paid for them by another treaty of reciprocity? Surely it is something to give them a complete equality with our fishermen in the surrounding waters, and

then be met in the face with a duty of $2 per barrel against fish caught by our fishermen? He says that they have ruined their own fisheries. Well that should be a good reason we should not permit them to ruin ours. The question is not that they are going to take some of our men in their vessels and give them employment. We do not want our men to be hewers of wood and drawers of water for the American people. The real question is that American fishermen catch cargoes of fish that virtually belong to our people, carry them into the markets of the world and get paid for them, whilst we merely get the privilege of being common sailors on board their crafts. That is not a position that I would feel disposed our people should hold in this country, especially in connection with rights and privileges that properly belong to us. I have no desire that this Debate shall continue longer.

THE SPEAKER—It being six o'clock I now leave the Chair.

AFTER RECESS.

HON. MR. DEVER said — When six o'clock was called, I was going on to say that I hoped better faith would be kept this time with us by American fishermen than under the Treaty of 1818, though I cannot see that I have any reason to expect it. Those fishing grounds, as far as I can remember back, some fifty years, have always been looked after by the British Government Commissioner, Moses H. Perley, of New Brunswick, a gentleman whose son is here at Ottawa in a very prominent position. Mr. Perley was a man in whom, speaking of the Lower Provinces, the people had the most implicit faith for his integrity and manhood in looking after their interests in those fisheries. It strikes me now, as it also struck me then, that to exercise our rights in the fisheries, we will still have to continue a police force for the supervision of them. I think it will be much worse now, inasmuch as the Americans will feel they have almost an equal right to mingle with our fishermen and occupy those grounds at their pleasure. If this be so I fear that the troubles of the past will not cease—that ill feeling and difficulties arising out of men anxious to secure the rewards arising from their pursuit will necessarily make it a troublesome matter to look after. If we cannot secure the co-operation and good faith of the United States it strikes me that all our efforts will be fruitless. I am not disposed to think that the American people are at much variance with ourselves in their desire to carry out in good faith all the requisites of this treaty, but from my experience and from the experience of our people in the past certainly in my opinion our fisheries should be kept exclusively for ourselves. Our fishing stations and harbors you will see will be as valuable for the great fishing grounds of our coast and the deep sea fishing on the banks of Newfoundland as stations to retire to and get supplies and to use as a means of sallying forth in case of necessity—as much so as those bases of operation, Gibralter and Malta are to the British Government. Those who own and occupy those places will always have an advantage that will overshadow all others. Now these privileges given to American fishermen, though some speakers have spoken very lightly of them, look very much to me like parties who own both coal and iron in one neighbourhood, giving their coal to their rivals to smelt their iron when it could not be smelted with advantage if the coal were not given. In making a remark on some statements which fell from the senior member from Halifax, I took one note, and, though he corrected me in another, I think I am correct when I say that the hon. gentleman was not pleased with those concessions, though he must know that they were given with reluctance by our Commissioner, Sir Charles Tupper, a man in whom we had the most undoubted faith, though fate had been against him in this affair. We know that Sir Charles Tupper is a man of undoubted patriotism, and that if he failed in obtaining our rights it was not his fault. But I trust that hon. gentlemen on both sides of this House, and especially on the opposite side of politics will not make this a government question, because as I said before it is one of the

most important that we have ever had before us in this House, and therefore I feel that in making a merely political attack on the government or supporting them for the sake of party is trifling with a great question. We give the American fishermen a free pass into our fishing ground by allowing them to purchase bait and giving them other privileges. Hon. gentlemen will see at once that in doing this we give them precisely what they want to enable them to carry on their fishing against us. I want this to be completely understood because it is a vital part of this treaty. It has been said that it is a compliment to sell bait; it is a compliment I admit. It is like giving away our overcoat and getting kicked for our kindness. I do not feel that we have any right to compromise this matter, still it is done by our representatives and I feel that it is our duty to look upon it now in good faith, seeing that our representatives did all they could under the circumstances—that, taking everything into account, it is better that a compromise should have been had, than that matters should have gone on from bad to worse, and finally terminate badly between us and our neighbors. I do not see that I can say much more. I know there are other speakers who will give their views, and that this question will be looked on with the most anxious feeling by hon. gentlemen in this House. I will now conclude by saying that in my opinion this treaty is one of expediency because we cannot be angry with people we wish to look on as friends —people who have their hands stretched out at all times to help the down-trodden of the world raising them from the barbarism and bigotry of the past. I will therefore vote for the treaty though I believe it an unfair one, and let us hope that brotherly feeling will always be maintained between us and that whilst we both are satisfied with our respective flags, and institutions we will ever associate with each other as friends and brothers almost of one family.

HON. MR. MACDONALD (B.C.)—It is not my intention to deal with this question at any length, it has been so well analyzed and discussed by hon. gentlemen of this House. The subject requires no persuasion, no sugar coating to make it palatable to hon. gentlemen, and I think the Leader of this House must feel very much gratified at the reception which it has had at the hands of those members who are conversant with all its features, especially those from the Maritime Provinces. Even the hon. gentleman from Halifax, on rising to discuss the treaty, said that as no one opposed it he would do so. That certainly was a most cogent reason? He furnished about the strongest argument in support of it in saying so. He had to admit that many of the clauses were just, right and proper and though, perhaps, he would vote against the Treaty as a whole he could not condemn all its details. All shades of politicians in this country admit now that the Treaty of Washington was a wise and just measure, and everyone would willingly see that treaty renewed to-morrow, if possible; but at the time that Treaty was before the House, and before it was ratified, what was said about it by the Liberal party and the Liberal press? It was denounced in the most unqualified terms, and the Government were condemned for surrendering the rights of Canada. And what does all this show? It just shows this, that everyone who can find fault is not qualified to be a statesman — that many who give intelligent opinions in opposition are not qualified to give an opinion on a far-reaching national question, and that it requires, in ruling a colony like Canada, a firm and mature judgment, coupled with experience. Although the ministry of that day were heavily censured for assenting to that treaty, yet what have the results been? That their experience and judgment have proved to be wise and beneficial for the Dominion. The hon. gentleman from New Westminster, in speaking about the rapacity of the Americans meant, I suppose, to show that they were not entitled to any concessions from Canada. In that I fully agree with him, but at the same time it is necessary that we must have intercommunication with our neighbors. They are on our borders, and we are on the sea together and must exchange commodities and have

international trade. That being the case, we must arrive at some means of living together harmoniously. Therefore, a treaty of this kind was absolutely necessary. Now, what do we give to the United States? In my opinion, we give very little indeed beyond the concession of the article of bait, and if we, under this treaty, can only get a rebate, the duty remitted from our fish and oil, the treaty will be the most perfect ever ratified between the two countries. If the hon. member from New Westminster had deferred his speech a little longer, until he had heard the able speech of the hon. gentleman from Lunenburg, I think he would have changed his opinion, but I am afraid he is falling into the habits of his adopted country. In that country we know that the salmon does not rise to the fly, and on this occasion the hon. gentleman failed to rise to the fly or to take the bait. I regret that the hon. gentleman from Ottawa is not present to-night, because I intend to refer briefly to the speech that he made here. He has been taken severely to task for the difference between his opinions now, and those expressed by him at the opening of the session, on this Treaty. I differ from any of those who have censured him. I commend the hon. member for having been open to conviction. On this occasion he has risen above party on a great international question, and I commend him for having the courage of convictions. At the time he first spoke he was not so well informed as he is now. At present we have his mature judgment, which is the better and the more reliable of the two, but when I say that, I take issue with him on his unjustifiable attacks upon the policy adopted for the protection of our fisheries and of our rights during the last two years. If there is one thing more than another in the modern history of Canada of which I am proud, it is the plucky and determined spirit shown by Canada in the defence of our rights on the Atlantic coast. The government acted in the most commendable spirit. If they had not taken those measures what would have been said? There would have been a howl of agony throughout the land that they had surrendered our rights and that we had been trampled on by the Americans. They would have been censured severely, and justly so, at home, and despised abroad. But with justice on our side what did we do? We maintained our cause in the face of sixty millions of people. We had the vantage ground, and the Americans knew it. If we had not right on our side we could not have maintained our case, but having law and the moral support of England behind us, we maintained our ground. It is only the unflinching manner in which the Treaty of 1818 has been maintained that makes the present treaty at all possible. If that had been allowed to fall into disuse, and been surrendered, we would have abandoned our rights to our fisheries and our territorial waters. There is no question about that. If we had given an inch, an ell would have been taken, and we could never have recovered our rights. The hon. gentleman from Ottawa, in speaking on this question, pleaded as if he had been retained by the people and fishermen of the United States. He spoke as if he had been addressing a jury and trying to get large damages for his clients. I believe that nothing will justify the hon. gentleman in the position he took in condemning the policy of the Government for the last two years. If harsh measures were used, who threw down the gauntlet? Who abrogated the treaty, and who refused to renew it? Not Canada, but the United States. Who held out the olive branch, and offered to renew the treaty for another term without any money consideration? The Government of Canada did. Who holds out the olive branch now and provides a *modus vivendi* for two years to show a neighborly feeling towards the people of the republic? The Government of Canada does. The fishermen of the United States were opposed to the renewal of the treaty of 1871. They thought that without it they could fish where they liked, use our ports as they liked, and put us at defiance, as they tried to do in 1886 and 1887. The treaty of 1818, I consider, is the bulwark of our rights and of our whole case. That treaty was not a menace to the innocent, but only a terror to those who tried to

break the law. If the American fishermen did not interfere with our rights, that treaty could not hurt them. They had only to keep to their own waters. Under the present treaty we retain first —I do not know exactly the geographical position of the bays and waters down there—control of our territorial waters as well as of our larger bays. I believe that the Bay of Fundy never came under the provisions of the treaty of 1818, the coast of Nova Scotia forming only one of the headlands of that bay, but we maintain control of other larger bays and of every bay up to ten miles wide, and the three-mile limit all round our coast. So, in that way, I can say we have given up nothing at all. The only important concession, as I have said, that we have made has been to allow these American vessels to come into our ports and purchase bait. All the other advantages of buying food and supplies I should, instead of curtailing, extend. I do not see why it should not be done, but the framers of the treaty, of course, knew the operation of that better than I do, and I am perfectly willing to abide by what the Commissioners at Washington have done.

Hon. Mr. ALMON—I notice when I rise on my feet that there is a sort of shudder pervades this room, and it is whispered :—" Here is another of those Maritimes getting up, and Halifax at that : we are to have two and a-half hours of weary platitudes made up of a re-hash of newspaper editorials and the Hansard of the House of Commons. We will have the treaty, or the seperate articles of it, read over to us again and again—a document that a good many of us know a good deal better than our catechisms. We will be stuffed with protocols and bored to death with *modus vivendi*." Hon. gentlemen, I intend to do nothing of the kind. God, who denied me fluency of tongue, gave me a feeling heart. I feel as the surgeon does when he brings up a prisoner to be tied on the triangle to be flogged. I put my hand on your pulse, I see you have stood as much as human nature can bear and, out of the goodness of my heart, I am not going to follow the example of many of my friends and detain you longer. I wish to avoid repetition, but I cannot do so in some cases. I must again compliment the Leader of the House on the very argumentative manner in which he brought the subject forward, dealing with the points alone and placing everything fairly before us. I think that is one reason for the unanimity which pervades the House on this subject. I must likewise compliment the hon. gentleman from Richmond on the eloquent way in which he brought forward his facts. The eloquence did not disguise the facts : the facts sprung out strongly through the eloquence and impressed themselves more favorably on us. I must likewise give my meed of praise, which the hon. gentleman who has just sat down gave, to the hon. member from Ottawa. He evidently at first, before he looked into the treaty, taking his inspiration from Grit papers, regarded it as a sacrifice to the United States of what we ought to hold dear, but, on hearing the speech of the leader of the House, and on his own second thoughts and reading, he came to the determination that he was wrong. He was like the Tower of Pisa—he was not content to stand up straight, but he leaned a little backwards. He thought the Government had not done enough, but should have given a little more to the United States. I was pleased with him but I must find fault with some of his arguments. He thinks that it was treating an American vessel in an unfriendly manner to refuse to sell her 10 lbs. of sugar, 4 lbs. of coffee and a bottle of kerosene oil : but what did that vessel come into port for ? Does an American fishing vessel come into any port for such supplies as 10 lbs. of sugar, 4 lbs. of coffee and a bottle of kerosene oil ? No. That vessel came in as a smuggler : there can be no question about that. She was *bona fide* a smuggler, and if her cargo had been examined you would have found packages of tobacco put away and perhaps a small keg of wooden nutmegs, and a barrel of ligneous hams, with which the poor ignorant blue-nose is often cheated by the cute Yankee. There is another speech which pleased me very much : that of the hon. member from New Westminster. He put

me in mind of my youthful days : the first time I ever went to a circus I was very much surprised to see the clown riding on two horses at a time. It gave me a great deal of pleasure, and as I say it reminded me of the clown at the circus, when I heard him call the Americans at one time the devil-fish and at another time the great and glorious epublic.

HON. MR. MCINNES—I never made use of the expression devil-fish. That was made use of by an hon. gentleman near me and I said the simile was not a bad one.

HON. MR. ALMON—Well, polypus.

HON. MR. MCINNES—I did not use that word either.

HON. MR. ALMON—As I said it put me in mind of my youthful days when I first saw the clown riding two horses and my sight being bad I was not sure but I had mistaken the hon. gentleman from New Westminster for the hon. member from Toronto. But when I found the senior member from Halifax booming both of them I though it was one and the same person. Some people have said that instead of leaving this matter to be settled by a commission we ought to have left it to arbitration. If the House will permit me I will read you what Mr Jay, the American Minister at Vienna, says about arbitration :—

"The award by the Belgian Minister of $5,500,000, in addition to the duties remitted by us estimated at $4,200,000, in the face of the unimpeachable evidence cited by Mr. Secretary Evarts in his despatch of September 27, 1878, seems to have been regarded in England as a signal triumph for British and Canadian diplomacy. The prompt payment of that award was approved by the American people, notwithstanding the rule laid down by the Vattel that "if the arbitrators by pronouncing a sentence evidently unjust and unreasonable should forfeit the character with which they are invested, their judgment would deserve no attention ; but that singular award and the steps which led to it, may help to explain American reluctance, should any be exhibited, to further arbitration on the fisheries question."

That does not seem to us Canadians, who have still some of the old blood in us, to be right. We believe that when we leave a thing to arbitration, if the party decides against you, you cannot repudiate the decision because it is not what you wish, but this is the nation, and those are the sentiments that Goldwin Smith thinks our destiny is to draw us into. I think he is wrong. Supposing we had consented to this, and left the matter to arbitration, we must then leave it to be settled by the Commissioners. When five millions of people make a bargain with sixty millions of people in that way it does not give the weaker party fair play. A simple Canuck dealing with a cute Yankee can hardly agree with Hudibras :—

" Doubtless the pleasure is as great
Of being cheated as to cheat."

I think we do not exactly go in for that in the full sense. Suppose we look at the different treaties that we have had with the United States in our memory and even go back to history. The first treaty was that of Bourgoyne. Bourgoyne's troops were six or seven thousand, and they surrendered to four times that number of Americans. He was without suppliesand ammunition and was obliged to surrender. Gates, who commanded the Americans, had been an English officer : that made him a gentleman. He had lived some time in Halifax as aide-de-camp to the Governor, and that, of course, confirmed him in his youthful gentlemanly principles, and therefore he did not drive a hard bargain with Bourgoyne. This is the treaty :—

"A free passage to be granted to the army under Gen. Bourgoyne to Great Britain, on condition of not serving again in North America during the present contest, and that the port of Boston is assigned for the entry of transports to receive the troops whenever General Howe shall so order."

Now we know what happened. Congress began to think that if these men weresent to England they would do garrison duty, and the soldiers doing garrison duty there would be sent out, and so they annulled the Treaty with Bourgoyne and kept his army prisoners until peace was proclaimed.

We now come to the next treaty. At the time the Loyalists were driven out of the United States—a thing that never happened in history before—their property was seized, and men, women

and children were driven out at the peril of their lives, but when the treaty of peace was made the Commissioners of Congress promised the British Commissioners that they would use their influence with the separate states to have the value of the land given back to the Loyalists. Was that done? Not a sixpence of it was ever paid. So much for Goldwin Smith's friends.

We then come to that story of Maine and the red line on the map: that we all know—that is in history, But perhaps you will say that our Americans friends dealt differently with others. How did they treat the French? During the war with France English goods were treated as prize by the French whatever bottoms taken in and a number of American vessels were captured by the French and confisacted. The American Government demanded the payment of a sum of money to compensate the parties for their losses, and early in the reign of William IV. a war nearly took place between France and the United States and would have broken out if the British Government, thorugh William IV., had not interferred and had the question left to arbitration. A large sum of money was granted for these losses or was paid into the American Treasury but the persons in whose name the American Government got that money have not received a sixpence of it. It is in the American Treasury now just as the balance of the Alabama award. We then come to the Newfoundland fiasco. Some American vessels went into a port in Newfoundland—and I would invite the attention of the hon. member from Midland (Mr. Macdonald) to this fact—they fished there on Sunday. The people of Newfoundland, being imbued with the same feeling that my hon. friend has given expression to, took up the nets of the foreigners. The American Government brought a charge against them for damages, and I believe the British Government paid that because the parties who ordered the nets to be taken up were not magistrates, but people who, like my hon. friend from Midland, disapproved of fishing on Sunday. In that instance the British Government paid several thousands of dollars.

HON. MR. MILLER—Did not the British Government make us pay that afterwards?

HON. MR. ALMON—Why should they make us pay it? Newfoundland is not part of Canada. I am afraid the British Government had to pay it themselves. Now we come to the three-mile limit question. It is mentioned in the papers, and not denied that the American Government claim a nine-miles limit on the coast of Florida, and vessels have been captured for fishing within that limit. According to the American view of it, the limit begins at three miles on our coast, and grows wider as you go South, until it gets to be nine wide when you reach the Coast of Florida. Then we have had to listen to attacks made upon Mr. Chamberlain because, when at Belfast, he made a speech against Home Rule; from which some hon. gentlemen infer that he is not a fit and proper person to be appointed to represent Great Britain at Washington in the framing of this Treaty. I deprecate the introduction of this question of Home Rule here. On a former occasion, when it was brought up in this House, I was one of seven who voted against the Home Rule resolutions, though I was urged by friends of the government not to oppose them. The objection to Mr. Chamberlain was made by the hon. member from Ottawa, and sustained by my hon. colleague from Halifax. I think that they showed very bad taste, and it seems to me that even if William O'Brien had been appointed a plenipotentiary I should not have objected to his appointment if he had acted as Mr. Chamberlain did in the interest of this country. Having said this much on that subject, I will now refer to the reasons which have been advanced for refusing to confirm this treaty, and to its principal opponents. The triumvirate who oppose it most violently are William O'Brien, who came over here to abuse the Queen's representative and "to run him out of the place," as he said; then there is Erastus Wiman—for God's sake I do not wish to give his name to anybody else—but Mr. Wiman comes on here and wishes us to put the making, not of our treaties, but

of our tariff in the hands of the Americans and take what they give us as a bone which they throw to a dog to gnaw and keep the flesh for themselves. The other man is Goldwin Smith. I do not know that Goldwin Smith and William O'Brien are in a league, but they are acting in much the same way, and stranger things have happened than having a covert agreement between them to ruin British authority in Canada. What has Goldwin Smith recently done? At a meeting of St. George's Society in New York the other day he made a speech in which he asked Englishmen to forswear their allegiance to the land of their birth and deny their Queen—that as they lived in the United States they should become citizens of that country. I must infer from this that if Goldwin Smith resided in Turkey he would think it his duty to turn Turk and be circumcised. Would not William O'Brien support him in his disloyal appeal to his countrymen? Goldwin Smith is a Benedict Arnold without courage, a Judas Iscariot without remorse.

HON. MR. MCCALLUM—I do not propose to detain the House very long by any remarks I shall make on this treaty, and I pledge myself that I shall not be guilty of reading ancient history. As far as this treaty is concerned I shall deal with it according to my knowledge of its provisions, and I may at the outset say that I do not consider this treaty a surrender by this country or by the United States. I consider it to be a fair settlement of a vexatious question of long standing, and when at the beginning of this session, the hon. gentleman from Ottawa told us that this treaty was a farce and a fraud, and the other night during the discussion, that he was ready to accept the treaty as far as it goes, he teemed to me to be exceedingly inconsistent. He did not tell us then, shat it was a farce and a fraud, or how much further he wanted it to go. He spoke of reciprocity in wrecking. He said that the wrecking laws on the Statute books of this country were a disgrace to the Dominion. I asked him to point out where the disgrace was, and he failed to do so. He forgot that he was a member of the Government that passed the Order-in-Council to protect Canadians in this wrecking question, and I tell hon. gentleman that in my opinion that was the only good measure I ever knew the Government, of which he was a member, to give to the country during five years they were in power. Yet he goes back on it now, and says it is a disgrace to the country. The hon. gentleman stands to-day in the anomolous position of having given his sanction to what he termed, in the beginning of the session, a farce and a fraud. He spoke also about commercial union and unrestricted trade with the United States. Well, I live within some, forty miles of the city of Buffalo when I am at home, and from my experience of the treaty of 1854, which the hon. gentleman considered was the cause of an era of prosperity and progress in this country, it is my opinion that the treaty we have now under consideration in this House is much more favorable to Canada than was the Treaty of 1854. Under unrestricted trade, which the member for Ottawa wants, what are we to get? They offered us the American market—the market of a people who export agricultural products alone to the value of $522,000,000, and only imported into that country last year $14,000,000 of agricultural produce. Offering us the American market is like asking us to take coals to Newcastle—when applied to agricultural produce. Does not the hon. gentleman from Ottawa know that the Americans are our competitors in every market in the world to-day, and there is not a particle of use in our getting that market for agricultural produce. I have heard it said in this House that the Americans abrogated the Treaty of 1854, because of our sympathy with the South during the rebellion. That was the avowed reason, but it was not the correct one. We gave them more than sympathy; we found them 96,000 Canadians to fight the battle of the north, and that was more than mere sympathy. The real question was this; they thought they could drive this country into annexation; and that is the object to-day, because they know if they could get commercial union they could swallow us up.

HON. MR. MCINNES—No, no.

HON MR. MCCALLUM—The hon. gentleman from New Westminster says "no, no," but we know that they abrogated the treaty of 1854 because they thought they could drive us into annexation, and we had nothing for it but to fall back on the treaty of 1818. Some hon. gentlemen have said that our treatment of the Americans under that treaty was barbarous. But what were we to do? Were we to allow them to take all that we had without any effort on our part to protect ourselves? Then when we became parties to the treaty of 1871 they not only abrogated it, when it suited them, but they did not carry it out honestly when it was in existence. We were to have free fish, but in order to evade the clear provisions of the treaty they put a duty on the tin cans in which the fish were packed. They promised also to use their influence with the State legislatures to obtain for us the free navigation of the State canals. Did they give us that? Hon. gentlemen know they did not, and I doubt if they would carry this treaty out any better than they did the other. If they do, I consider it will be a fair treaty, but when my hon. friend from New Westminster here gives credit to Mr. Mackenzie and the Mackenzie government and says that he did not allow any Imperial representative to negotiate that treaty, he forgot that it was not a treaty but an arbitration—it was the after birth of the Washington treaty of 1871, and he was so anxious to give credit to Mr. Mackenzie for it that he would leave us to infer that this arbitration was a treaty. We are asked why are we not allowed to negotiate our own treaties? Supposing Canada went to-morrow to negotiate a treaty, and knocked at the door of the United States or any other power they would ask "Who are you?" "Oh, I am from Canada!" "Well, who is Canada?" "We are a colony of Great Britain!" "Then send Great Britain here" would be the reply. And suppose we had the power to negotiate treaties where have we the army and navy to enforce them? Wherever of late years Canadian interests have been involved, we have always been consulted by Great Britain in treaty negotiations. My hon. friend from New Westminster has told us that British statesmen are degenerating. I wonder if the British people know there is such a gentleman as my hon. friend in existence? If they did, they might send for him to govern the British Empire. The hon. gentleman from Ottawa said that I have an interest in tugs. Well, if I have I do not know that there is any harm in it, or that I should not speak of this wrecking question. I say that so far as the wrecking question is concerned, the Government of this country have carried out the law in a most humane manner. He told us they were not allowed to assist a vessel in distress. I asked him what he meant by a vessel in distress and he could not tell me. A vessel may be in distress when she loses her rudder, or if a steamer, when she breaks her machinery, or when she starts a leak, or when she is out of fuel, or has lost her spars or canvas; or with everything working she may be on a lee shore with a strong wind blowing, and if she is a sailing vessel and cannot work off it, then she is in distress, and I know of no law, human or divine, which prevents any man from going to the assistance of a vessel in that position, or to save human life. It is when a vessel goes ashore in this country and becomes a wreck, that she ceases to be in distress and is required to employ Canadian appliances to release her. It was under such circumstances that the Mackenzie Government passed an Order-in-Council securing such work for our Canadian wreckers; and of course the Americans, as is usual with them the moment their interests are touched, wanted reciprocity, because that reciprocical privilege would be worth more to them than to us. There is a law on the statute book of this country since 1867 which offers to the Americans reciprocity in wrecking and reciprocity in coasting unitedly, and when they give us both together we are prepared to meet them, but they never will meet us half way. I agree with my hon. friend from New Westminster that they are aggressive. In 1866 they abrogated the treaty of 1854; they also allowed men to drill and arm

themselves in their country for the avowed purpose of invading Canada. Bands of men were drilled night and day in Buffalo and other cities for the purpose of invading this country, and they put us to a great deal of trouble. During the rebellion in their country, when there was a raid from our side of the border down at St. Albans, it will be remembered that we had to foot the bill, and I say that on every occasion they got the best of us if they could. I do not think that this Treaty is all lovely, but it is as good as we can get, as far as the Americans are concerned, and it is not so bad if they will carry it out in the proper spirit. My hon. friend from Ottawa told us that he wanted the duty taken off corn, because he says that corn takes the place of the coarse grains of the farmers of this country. That is the very reason why I want to have it kept on, and I am an agriculturist myself and have not got a glucose factory, or a starch factory to supply with corn. I say let us leave well enough alone ; I think reciprocity in agricultural products with the United States would be runination to this country. My hon. friend from New Westminster talks about the marvellous prosperity of the Americans. I say that man for man we are to-day better off than they are. Man for man, in every way you may take us, we are equal to any other people of the same number on the face of this globe. We have a great and glorious future before us, and we must work out our own destiny in this country and see that we prosper n d go forward and establish a strong, an intelligent and loyal British power on this North American continent.

HON. MR. VIDAL—At this stage of this protracted debate it will be almost expected that I should commence with an apology for trespassing on the time of the House. I have no desire or intention however, to make an apology upon this occasion, for I think the subject before us is one of such vast importance that it is entitled to receive from this House all the time that may be required in order that every member may express an opinion on the subject under our notice. I labor under some disadvantages, but I also enjoy considerable advantage in having listened to the speeches which have already been delivered on this question. The disadvantages are in the first place that the question has been so very ably discussed by many gentlemen that very little can be said by me to throw additional light upon it. It as been so lucidly, comprehensively and well explained by the hon. minister who introduced the measure, by the hon. gentleman from Richmond, the hon. gentleman from Alberton and others I might name, that there is really nothing further required to enable us to understand the necessity for the treaty, its terms and the desirable results which are expected to flow from it. I must confess however that I have been much puzzled by the arguments which we have had from several members. My hon. friend from New Westminster, for instance, gave us a very emphatic and lengthy address and said a great many things with which I fully agree ; but honestly I am obliged to say that when he came to the end of his speech I did not know, and I do not yet know, whether he is favorable to or against the treaty. It appears to me that some of his remarks were of such a nature that either construction may be put upon them according as prominence is given to one argument or the other.

HON. MR. MCINNES—I do not think the hon. gentleman need be under any doubt in the matter, because I described the treaty in very plain terms as being an unconditional surrender and abandonment of the rights of Canada.

HON. MR. VIDAL—I am glad to have the doubt removed by getting from the hon. gentleman this emphatic declaration that he thinks it is a very bad treaty which ought not to be adopted by us. The hon. gentleman said a great many things which I think were not only uncalled for, but very unjust in respect to that noble British Empire of which we form a part. He spoke of the treatment which we have received from the Mother Country as being really hurtful—as if the Home Government had acted quite regardless of our interests and ignored our claims up in them as rulers of the land

of our forefathers Now, I do not think that if the circumstances are fairly looked into, there is the slightest ground for such a charge. The hon. gentleman forgets that we are only a part of the empire; he forgets that if the empire became involved in a difficulty with another nation and war was the result, it would affect not merely the Dominion of Canada but the British possessions throughout the world, and it is no wonder that Great Britain in negotiating with foreign nations should be careful about doing anything to jeopardize the peace of those possessions and involve herself in a struggle with other nations. I allege that she has been careful of Canadian interests, and those concessions which the hon. gentleman finds fault with have been made on our account. If there had been trouble with the adjoining Republic on account of difficulties arising between us, suppose Great Britain had not yielded on some points and war had ensued, who would have been the sufferers? Would not Canada be the principal sufferer? Would it not be our homes and our cities and our commerce that would be destroyed? Great Britain herself would not be injured in that way by it at all; consequently, I think the British Government in making some of those concessions have acted not so much from the feeling that she desired to protect her own interests as to protect the interests of the colonies, of which she was the rightful guardian. Otherwise, relying upon the strength of her arm and the rightness of her cause, she would without hesitation have drawn the sword, if it were necessary. I have also been puzzled by the remarks of the hon. gentleman from Halifax. I am sure it must be in the recollection of the hon. gentleman how he spoke of the treaty when it was first brought under our notice. He then saw a great many things in it that were very desirable. He said that while

"we have taken a little less than we claimed we have reached a sort of understanding and that is a desirable thing in the interests of peace"; [again on Article 4] "as far as the Article goes I deem it satisfactory enough"; [again of Articles 10 and 11 that they are "good in principle but liable to be abused"; again "Article 13 is a very proper article indeed," Article 14 also seems a not unreasonable provision" and "Article 15, if it ever comes into operation will be advantageous."

I think there were some other remarks of the same character, but these are sufficient to show that he thought this was in some respects a good treaty—that a great many articles in it were unobjectionable, and now when the hon. gentleman gives his final verdict on it he declares that the treaty is so objectionable that he hopes it will not be ratified. Now what does that mean? What does its rejection mean at the hands of the Senate of the United States and with the idea that that rejection would be the end of the treaty—that we should hear nothing more about it, although I am happy to believe that that will not be the result? What would be the result of its rejection? What position would it leave us in? And here I may observe that the real intent and meaning of the treaty, the feature which ought to have occupied our minds principally in discussing it, has not been very clearly and strongly brought out: I mean the actual necessity for a treaty on account of the present condition of affairs, and the happy result expected to flow from its adoption. In all the reading which I have undertaken in connection with this matter, no single passage has pleased me more than the sentiment expressed and the illustration used by Secretary Bayard in one of his letters to Sir Chas. Tupper, and I will now read it to the House:—

"The gravity of the present condition of affairs between our two countries demands entire frankness. I feel we stand at 'the parting of the ways.' In one direction I can see a well assured, steady, healthful relationship, devoid of petty jealousies, and filled with the fruits of a prosperity arising out of a friendship cemented by mutual interests, and enduring because based upon justice; on the other, a career of embittered rivalry, staining our long frontier with the hues of hostility, in which victory means the destruction of an adjacent prosperity without gain to the prevalent party—a mutual, physical and moral deterioation which ought to be abhorrent to patriots on both sides, and which, I am sure, no two men will exert themselv s more to prevent than the parties to this unofficial correspondence."

I do not think that picture is at all overdrawn. It is quite true that this is a longstanding quarrel, and that occasionally it has been patched up to a certain extent by a temporary arrangement, but, at intervals it re-appears as a cause of

serious contention, and each time as the respective parties are growing in power and influence it was getting less likely to be settled without resort to the final arbitrement of war. I think Secretary Bayard's view is the correct one, that we do stand at the parting of the ways; we occupy this critical position, that by the rejection of this treaty and the falling back on the old treaty of 1818 and carrying it out as we would feel bound to do, our action would lead to most disastrous results. How can any hon. gentleman say in the face of such a prospect that they would like to see this treaty rejected? I cannot understand that this is the real feeling of any man who is a lover of his race or of his country—that any man could look forward to such a prospect and venture to say that a treaty which will prevent such trouble and secure peace between two great nations should not receive the sanction required in order to bring it into force. The remarks of the hon. gentleman from Ottawa also appear to me to be be in themselves very contradictory. Without my reading from the reported debate all the strong condemnatory words he used, it will be remembered when the treaty was first brought under our notice here—he introdued it himself in the debate on the Address—he said it was a most objectionable treaty, it was a sacrifice of everythg we had claimed; there was not a thing that we contended for that was not given up, and he left the impression on the minds of those who heard him that he regarded it as an outrage on Canada. But I am happy to say that without having announced any change of opinion on further examination and reflection, he has apparently been led to change his mind, for his last utterances have been very satisfactory indeed—admitting that the treaty is a good treaty; that it ought to be accepted, and saying it ought even to be made more liberal than it is. I hope that my hon. friend from Midland will not think that I am animated by any unkind feeling if I venture a friendly criticism. The hon. gentleman, while very properly commending the admirable address which was given by the hon. gentleman from Richmond, qualified his approval by expressing his regret that the hon. gentleman had exhibited so much temper. I am quite sure that this remark must have originated from a misapprehension on the part of my hon. friend. Had he been in this House six or eight years ago when the hon. gentleman from Richmond, prior to occupancy of the Speaker's chair, more frequently stirred the Senate with his energetic utterances, he would have recognized that there was nothing at all unusual, in his animated manner. He always speaks with earnestness when he has anything particular to bring before the House, and so far from there being any exhibition of temper there was scarcely anything more than a little righteous indignation which was justifiable under the circumstances. I do not mean to say there was any intention on the part of the hon. gentleman from Ottawa to mislead the House on a most important matter, but what led to it was his reading from official books that such an offer relative to the shore limit as is contained in this treaty had been made 20 years ago. He did it apparently on very good authority. Of course the trenchant criticism of the hon. gentleman from Richmond quite disproved it, and convinced the House that no such offer had been made, and that the first time it was done was in the course of the recent negotiations, the result of which is the treaty now before us.

HON. MR. SCOTT—I gave the House my authority.

HON. MR. VIDAL—I beg the hon. gentleman's pardon; I examined carefully the Senate debates, and I find that the very authority he quoted gives expression to the surprise felt in the statement being made that the proposed ten-mile limit of bays was connected with or embodied in the protocol sent to England twenty years ago. But I do not mean to re-open the question, because I am sure the hon. gentleman from Richmond has made it very plain to the whole House that the statement was erroneous. All I desire to do is this: to express my opinion that the hon. gentleman from Richmond was not rightly liable to the slightest imputation of undue

warmth, and I think the House is exceedingly indebted to him for the very able and lucid statements with which he explained all matters connected with the treaty. One reason why I feel it to be a duty to express my views on this occasion is that hitherto, with the exception of my hon. friend on my right (Mr. McCallum), the speaking has been largely confined to members from the maritime provinces and very properly so. They both to the east and the west, are perhaps more immediately interested in the fisheries question; at the same time the Province of Ontario from which I come and whose feeling I think was not fairly represented by the hon. gentleman from Ottawa takes a deep interest in it. and I feel that it is not right that I, as one of the representatives of Ontario, should fail to express my strong objections to some of the statements which have been made relative to the action of our Government and people in connection with those fisheries. Just imagine the effect which the statements made by the hon. gentleman from Ottawa would be likely to have on persons who receive them as truth without any question? One would suppose, to read his speech, that the Canadians are the most heartless and unreasonable people imaginable. Why, I ask in the name of common sense was circumstances after circumstance, incident after incident claiming to illustrate the great harshness, unreasonableness and cruelty on the part of Canadians in enforcing their rights under the Fisheries of 1818 mentioned to the House? What was the object ot it? What was to be gained by representing our countrymen as being guilty of these outrages? I cannot understand why they were referred to at all. Of course the whole tenor of the hon. gentleman's remarks was finding fault; with the Imperial Government for sending Mr. Chamberlain, with Mr. Chamberlain for his remarks at Belfast, with our Government for not having obtained reciprocity, and with everything and everybody connected with the management of our fisheries. I wish to record my solemn protest against such statements being received by the world as true. They are all *ex parte* statements by angry men, taken up without examination, and without any opportunity being afforded of refuting them.

HON. MR. SCOTT—They are what lose us the treaty at the present time.

HON. MR. VIDAL—No; that is not the reason why the treaty will not be approved in the United States. The fact is, the American Government know very well that those charges are not true. What are the facts? Referring to the official statements, we know that in 1886 there were 780 visitations of fishing vessels by our cruisers, and in 1887 there were 1362 visitations. Altogether, in these two years, there were over 2100 cases of visitation of fishing vessels by the officers of our cruisers. Of course if there was any wrong-doing with any of them by our officials, complaint would have been sent to Washington very quickly. How many reports do we hear of as having gone to Washington, out of the whole 2,100 visitations? The total number of complaints, or even enquiries, coming from the United States Government to ours with respect to supposed or claimed wrong doing on the part of Canadian cruisers with those vessels which they visited, was thirty-two. When these came to be examined, and the Canadian answer was sent back, how many do hon. gentlemen suppose turned out to have foundation in fact? One case alone in which the evidence disproving the charge was not quite satisfactory to the United States Government, and upon which they wrote back the second time to ask for additional information. Now, when it is seen that only one case out of 2100 came to be a matter of sufficient importance for controversy or correspondence between the two Governments how can we admit for a moment that the prosecution of our rights under that treaty was carried on harshly and cruelly? I contend that to bring forward "*ex parte*" statements of men claiming simply that wrongs have been done to them, wthout any supporting evidence whatever because we have a right to regard them, as the hon. gentleman himself admitted, in some cases as exaggerations and of some he went the length of saying they were probably not true,

—was entirely unneccessary and inexpedient. Is the character of our people to be maligned because those fishermen choose to make such charges without foundation? I say no, so far from anything being harsh and cruel on the part of those representing Canada during this long course of years, I take the ground and maintain it that there has been nothing but fair, upright, kind and neighborly dealings on the part of Canada towards the citizens of the United States; and I maintain that there has been on the part of the United States towards Canada, whenever opportunity offered, much wrong doing, un-neighborly acts, and aiding those who were doing us an injury.

HON. MR. ALEXANDER—We even allowed them to use our fisheries from the 1st of July for a long period for nothing.

HON. MR. SCOTT—I stated that there were over 100 cases officially reported at Washington. I read from the Congressional Record.

HON. MR. VIDAL—I am not disputing the accuracy of the hon. gentleman in giving these statements, but I am challenging the propriety of his reading them here and giving them to the world as truth.

HON. MR. SCOTT—The world already possesses them, because they are discussed in the American press.

HON. MR. VIDAL—The world is not in possession of them as having their truth admitted by the leader of the Opposition in the Senate of Canada. No doubt the hon. gentleman has said that he speaks only for himself and not for any party; but he cannot divest himself nor his utterances of that official character attaching to his recognized position as leader of the Opposition. His statements are of greater importance than any statement I, or any other private member of this House might make. The very fact of his having occupied the position he did in the Mackenzie government, and is now occupying in this House, gives his statements a weight and authority such as should make him more careful in giving forth to the world, with his approval or support, statements containing such gross charges against our people. I have said that the course of the United States towards us throughout has not been a neighborly one. Let us go back for a moment to the troubles of 1837. We had then a rebellion in our country, and a great many of our dissatisfied people went over to the United States. There they were received with open arms and joined by many citizens—they organized a military force, numbers flocked to their standard, and they were allowed openly to drill and gather arms and amunition and do various acts threatening to Canada. Were they interrupted or stopped by the United States authorities? Was there any indication that the United States had any right feeling towards Canada moving them to discountenance and suppress the efforts of those rebels and their associates to come over and destroy our lives and property? Quite the reverse. I personally know of an incident which shows what the feeling on the other side of the line was. On the River Detroit, on one of the islands a few miles below the city of that name there was a camp of those rebels and sympathizers. The United States authorities at Detroit professed to try to prevent them from doing any injury in Canada and to disarm them. How did they do it? They took a steamer, put a large quantity of provisions and arms on board, and very few men, and sent it down to the island. When the steamer reached the island the crew were overpowered and the steamer was captured. It was a very easy way of supplying these men with provisions, arms, and ammunition, under cover of an ostensibly friendly act to Canada. Was the abrogation of the treaty of 1854 an indication of friendly feeling towards Canada? Quite the reverse. Were there any acts on the part of Canada that justified the abrogation of that treaty? It had greatly promoted intercourse between the two countries, and conferred great benefits on both sides of the boundary line, as the hon. gentleman from Ottawa clearly

showed. He did not tell us, however, that the benefit of trade received by the United States was about ten times that received by Canada, but both were largely benefitted. Now, why was that treaty abrogated? The hon. gentleman from Ottawa intimated that it was due to other influences than those connected with the fisheries—that it was owing to the feeling of the people of the United States against Canada because of the wrong they supposed we had done against them. There is no doubt that a feeling of that kind did exist, but was there any ground for it? I contend there was not. I hold in my hand an American Magazine in which a writer, an eminent man deals with the fishery question and the Treaty of 1854. He explains clearly that in the first instance the United States, on account of the difficulties which the civil war had brought upon them, found the price of produce materially affected, and that the way our produce was going into their country was a great disadvantage to their people and required to be counteracted in some way. In addition to that he states that a feeling was very strong against Canada on account of the part that this country was believed to have taken in the St. Alban's raid, making that appear to be a very essential matter. Now I have taken the trouble to examine that question of the St. Alban's raid. I found no foundation there for the accusations brought against us of unfriendliness which led them to abrogate that Treaty? I hold there was nothing of the kind. So far from Canada lending aid and encouragement to the foes of the Northern States, we did the very reverse. The St. Alban's raid was organized by men in Chicago, soldiers of the confederate army. Some twenty or twenty-five of them went to St. Alban's some eighteen or twenty miles south of the boundary line. Five of them travelled through Canada, but they were not in uniform and they travelled as private citizens, attracting no notice. No one could suppose that they were soldiers led by a captain, or would know what their mission was. They accomplished their object without the Cadadian Government or people knowing anything about it or having anything to do with it. They openly, in broad day, robbed three banks in St. Alban's, and escaped with their plunder to the Canadian side. They were followed, arrested and brought before the judges on a demand for their extradition. The trial was a very long one and well argued. It occupies the whole of this book which I have in my hand, a record of the proceedings in the case. It contains a vast amount of legal argument by eminent counsel, pro and con, as to the course the United States pursued in trying to get the prisoners extradited, and by the Canadian lawyers who defended them. But the point to which I wish to call attention is this, that in the evidence it was clearly established that Canada had nothing whatever to do with the matter, and did not in any way countenance or assist the raiders, and that they were confederate soldiers who acted under the direction of their own officers and only found refuge in Canada after the offence was committed. When the case came to be tried they were not extradited, and why—just because the law did not allow it. It was tried before one judge who, after hearing long arguments, decided that he had no jurisdiction and dismissed the case. The men were immediately re-arrested and tried before another judge. The proceedings before him were voluminous. The United States were represented by eminent counsel; our own government was ably represented by counsel who assisted in the prosecution in order to secure the extradition of the raiders, and the prisoners were defended by my hon. friend the present leader of this House, and others. The defense sustained their position, which was that the Canadian court under the Extradition Treaty had no right to hand over the prisoners, and they were therefore discharged. Was there anything in the whole proceedings to lead the United States to attribute to Canada unkindly feelings or a desire to aid the enemies of the United States? I say there was not. The government further showed their friendship to the United States by paying the $50,000 which had been stolen from the St. Alban's banks back to the United States. They did everything they could. My hon. friend who last spoke mentioned also a

matter—the very large number of Canadians who joined the United States army—which shows how little cause the United States had to find fault with Canada. There was undoubtedly in this country some feeling in favor of the South, which was openly manifested in some of the newspapers; but no act on the part of the Canadian people or their authorized representatives in the Gov ernment justified the complaint made by the United States that Canada had lent countenance and aid to their enemies, and that they therefore on that account looked upon us as an unfriendly people. Then a little later came, as we all remember, the Fenian raids. Just reverse in imagination the position of the two countries: suppose that we in Canada had allowed men to congregate, arm, drill and prepare to make inroads upon our neighbors—suppose that we allowed them to proceed to the border and cross into the neighboring country, not only without molestation or hindrance, but with cheers of encouragement, what would have been thought of our conduct? The United States Government would have so strongly resented it that it would have led to war. Yet, all this was done against us on the other side of the line. The Fenians openly armed and drilled for the avowed purpose of attacking Canada. They collected arms and munitions of war and openly announced what their intention was. Was anything done to prevent them from invading this country? Nothing worth mentioning and the consequence was that they crossed over into Canada and some of the best blood of our country was shed in repelling the invaders and a great deal of property was destroyed. Did the United States ever make reparation or even offer an apology, or propose to compensate Canada for the large expenditure she had incurred in sending volunteers to the frontier to meet the enemy at the different points where they had entered the country? On that contrary when this claim was urged to be considered in the settlement arrived at in 1871, they refused to recognize or acknowledge in any way our just demand for a settlement. Does not this show that the feeling instead of being one of unfriendliness on our part towards them the very reverse? Then again there was another very small thing, but it shows the feeling: when the insurrection took place in the North-West and it was necessary for us to send up troops to quell it, they had to go by steamer to Fort William. At Sault St. Marie there is half a mile of a canal, in the State of Michigan, connecting the navigation of Lake Huron with the navigation of Lake Superior, and our American friends refused to allow us to send troops and military supplies through that canal. Yet they knew that the difficulty in the Red River valley was nothing like what one could call war; it was only a local trouble among our own people. Here was another instance, as late as 1870, in which our neighbours showed their indisposition to deal with us in a friendly manner. Another incident to which my hon. friend has alluded is worthy of mention. Under the treaty of 1871, and the convention which followed giving us $5,500,000 for the use of our fisheries, it will be remembered that our fish were to be admitted into the United States free of duty, but although that would be supposed to admit the packages in which the fish were enclosed, it was not so; they said, "you can bring in your fish free, but you must pay a duty on the tins in which they are packed." Was that an act of friendliness or good neighbourhood? It was just like their whole dealings with us, unfriendly from beginning to end. The climax I think is reached by the Non-Intercourse Bill which was passed, I believe unanimously, and became the law of the land, to be brought into operation at any moment by the President's proclamation. It is a law which one would suppose that no nation which has emerged from barbarism would enact. There was nothing to justify the passage of such a Bill as that, and it shows how embittered the sentiment of the United States must be against us, and as I contend without any cause whatever. So far from having any reason to complain of us, I think we have good ground to complain of their unfriendliness towards us. When did we ever meet them with a disposition to be unfair? We have from the very first shown a desire to sur-

render anything that might reasonably be asked as necessary to establish friendly intercourse with them. I hold that Canada, so far from being open to the stigma of unkindness or acting in an unfriendly spirit towards our neighbors, south of us, has on the contrary done everything that an upright and friendly people could do to maintain good relations with them. I hope we will hear no more of our giving provocation to the Americans, because there is no justification for any such statement. Among all those charges of cruelty towards the fishermen of New England which have been made, I defy any man to show a case in which a vessel coming into our ports under stress of weather or having sustained damage was obliged to throw her fish overboard, because permission to land them was refused. It never has been done. Custom house officers have even allowed the law to be ignored under such circumstances and permitted the fish to be brought ashore and sold, though the Treaty gave them no right to do so. In no case have fishermen been treated with cruelty. Though I feel that I am trespassing on the time and patience of the House, I should like to encroach a little further on them to glance at the main question which is really before us, as to what the United States claim and what they agree to give up,and what we claim and what we agree to give up under this Treaty, to see whether it is, as we allege, a fair and honorable treaty. I claim that everything that has been said in its favor is justified by its terms. I claim that nothing has been surrendered which is contrary to the honor, the dignity, or the true interest of either side. It is in my judgment a wonderful proof of the diplomatic skill and patriotic wisdom of the gentlemen that were engaged in framing it. Of course we do not, in this House, need to justify Mr. Chamberlain or protect his reputation against the charges which have been made against him. The simple fact that he succeeded in negotiating this treaty is his amply sufficient justification. It shows that he was the right man in the right place and it is doubtful if any other man in public life in Great Britain could have met with greater success. Is it any fault of his that when he arrived at New York detectives were required to protect him from outrage? Did he ask for protection? No such thing. It simply shows what ought to be felt as a burning disgrace to the people of the United States —that a man like Mr Chamberlain cannot land in safety in New York without such precautions because of the violent hatred existing against England amongst a certain element of the population of that city; it shows the existence of a class of evil-minded men amongst them who have been pandering to their vices for their votes. It is well known that they permit a class of men to live amongst them free from restraint, who openly advocate the use of dynamite and the dagger in order to accomplish their political aspirations, and that, I presume, is why detectives were required for the protection of Mr. Chamberlain. It was not that Mr. Chamberlain asked for them, but the United States authorities, knowing the character of some of their own citizens, felt that such precautions were necessary for the preservation of their own character. At least they thought so; whether such an escort was really needed or not, I cannot pretend to say. Now in connection with this treaty, let us look at the original claim of the United States. That claim was a very wild one: it was "an immemorial and prescriptive right to the fisheries" up to the very coast. That was urged when the Treaty of 1783 was made. It was, however resisted, though to a certain extent, modifications of it were adopted in that treaty. There is one thing to which I would invite attention in connection with this "prior right" that was claimed, that it has never been urged since then, although there are some who to this day assert that it is an inalienable right. They base it upon the fact that when New England was British territory they all used these fisheries up to Labrador together, and therefore they should continue in the use of them; but nothing is clearer to any ordinary mind than the fact that when the revolutionary war came and the independence of the United States was acknowledged, the thirteen colonies ceased to be any longer British territory, and the same with the

respective coast fisheries. The fisheries along our coast became British fisheries, and were no longer open to the United States citizens, upon whom the Crown had no longer any claim for services. I wish to call the attention of the House to just one word that is used in the 1783 treaty, which shows that even then what was conceded to the United States was not admitted by Great Britain or claimed by them as a right—it is called a "liberty" to fish in and use bays and inlets and their coasts which were then unsettled. It is well to bear this in mind, because a "liberty" is very different from a "right." That state of affairs lasted up to the war of 1812. War, it is universally conceeded, *ipso facto* sets aside all then existing treaties between the contending nations. There has to be a new arrangement and a Treaty again made. My hon. friend from Ottawa spoke about the Treaty of Ghent, 1814, and said that it contained nothing about the fisheries, because the United States considered their claim was recognized and it was not necessary to mention it. Now nothing could be more contrary to the facts of the case. The truth is the United States Commissioners were directed by their instructions to press this claim to the fisheries—to press for obtaining certain rights, but their demands were so excessive that the British Government would not listen to them at all, and that is why the fisheries are not mentioned in the Treaty of the Ghent. Immediately following it when the British enforced their rights and seized vessels of the United States fishermen it was found that this state of affairs could not be allowed to go on—that it would lead to very serious complications. Then came the convention of 1818 which forms the foundation of all the present difficulties on account of the variety of ways of interpreting its clauses, and which is still in force. It is well that the specific terms of the treaty of 1818 should be noticed. There again you will find that the word "right" is not mentioned. It is there stated that the United States "renounce for ever any *liberty* hereto-"fore enjoyed or claimed by the in-"habitants thereof to take, dry, or cure "fish on or within three miles of any of "the coasts, bays, creeks, or harbors of "his Britannic Majesty's dominions in "America." They recognised the fact that they had only a liberty and not an inherent right. This clause raises the great question of what is meant by coasts, bays, &c. Now, I don't know whether it has so struck other hon. gentlemen, but it strikes me very forcibly that there is no necessity for going to lawyers or any of the authorities upon constitutional and international law to find the true meaning of these terms. It it meant a three mile measurement following the sinuosities of the coast where was the necessity or sense of inserting the words "bays, creeks or harbors." There was no necessity whatever if the treaty meant that it was to follow the sinuosities of the coast. It would have been sufficient, in that case, to have said, to be measured three miles from the coast, that would have followed all the sinuosities, and the other words would be superfluous. Now, at that time, the only way of defining the limit from which the three miles should be measured at a bay was to draw a line from headland to headland across its entrance, no matter how large. That this was the case clearly understood anyone will perceive who will look into the matter and read the authorities. For instance, the Lord Chief Justice of England in deciding a criminal case clearly affirmed the principle that a line drawn from headland to headland in this manner included waters which came within the jurisdiction of the criminal law, that line being the coast line of the bay. Again, the Judicial Committee of the Queen's Privy Council, the highest legal authority in the realm, in deciding a case between rival marine telegraph companies, decided that Conception Bay, Newfoundland, over twenty miles wide at its mouth and extending over forty miles inland, was wholly under British dominion, "being clearly within the territorial jurisdiction of England and her dependencies." Then we know that the United States authorities applied the same rule to the Chesapeake, Delaware and other bays. We also know that Daniel Webster recognized that to be the true way of interpreting the treaty of 1818. Consequently that Canada should

adhere to that interpretation was quite right and proper. Here we come to the first concession made on each side by ther present treaty. The United States abandon the six miles limit claim, and have conceded that the interpretation of the treaty shall be the ten miles limit. I may remark that these miles are marine miles, so it gives us a little wider stretch in statute miles, ten of the former being equal to eleven and a half of the latter. We thus surrender of course what lies outside of three miles from that ten mile line. Now is that surrendering anything that is really important to us? I contend not: I contend that it is not worth quarreling about, and moreover the British Government has taken that view for many years past and under its advice there has not been any seizure of a vessel fishing outside of the three mile limit of the coast. At the same time it settles a very difficult question, and one sure to cause strife and trouble if not settled. Then several important bays wider than ten miles are conceded to us. My hon. friend from Ottawa in speaking of this treaty said that all those bays were given up and mentioned specially the Baie des Chaleurs.

HON. MR. SCOTT—Not in the recent debate.

HON. MR. VIDAL—No, but when speaking of the Treaty in the Debate on the Address, with a copy of the Treaty before him, the hon. gentleman said so.

HON. MR. SCOTT—I may have said so in the Debate on the Address.

HON. MR. VIDAL—But the hon. gentleman had the Treaty in his hands when he made the statement.

HON. MR. SCOTT—No. I had the report in the *Citizen*, but not the official copy of the Treaty.

HON. MR. VIDAL—The hon. gentleman had the treaty before him in which the Baie des Chaleurs is excluded from this rule and is recognized as being altogether British property.

HON. MR. SCOTT—That was a mistake.

HON. MR. VIDAL—We thus get rid of a very difficult and vexatious question which might have led to trouble. There are many other points that I should like to deal with but I feel that I am trespassing on the patience of the House. I could show that other concessions in this Treaty are concessions of very little value to us and some of which ought unquestionably to be made, and while I do not accept the statement made by some hon. gentlemen that the Treaty of 1818 was a barbarous and outrageous treaty, I admit that it was not one that would be made in 1888. There has been such a growth of ideas, acknowledgement of rights of other nations, and increase of commercial intercourse, that I am quite well aware that the Treaty of 1818 is not suitable to the circumstances of 1888. Long before this Treaty was framed, I stated openly to people with whom I have conversed about it, that Canada's insisting upon some of the rights which were legally and literally hers under the Treaty of 1818, was demanding that which should be given up without any hesitation, because they were contrary to neighborly feeling, and were susceptible of being harshly used towards fishermen in trouble and distress. Consequently I feel that in surrendering such merely technical rights we are not giving up anything that we could desire to retain. The arrangement that has been made allowing vessels under certain circumstances to come in and purchase ice, bait, seines, etc., is also a wise and judicious arrangement. It may be observed that it is not to be permanent until such time as the United States think fit to admit our fish into their markets free. As soon as that is done it will become permanent. Meantime is it not a good policy to give the United States fishermen a kind of foretaste of the advantages they would enjoy under the treaty in order that they may be convinced that the adoption of that treaty is to their interest as well as to ours? It shows the foresight and good judgment of the Commissioners who negotiated this Treaty that they thus provided against the difficulty of get-

ting the Treaty ratified at present by the United States Senate; and it is hoped and believed by a great many who desire the continuance of good will and friendly intercourse between the two countries, that Congress will soon see that this Treaty is worthy of being adopted. It is well known that the United States Senate will not reject this Treaty because of its supposed demerits. The hon. member from Ottawa made that very clear to us. He told us in discussing it that the Senate would not be influenced by what we said here, that they were guided entirely by party feeling—that they were not willing that the authorities now in power, the President and the party to which he belongs, should have the credit of accomplishing a thing so good and beneficial to the country and that therefore they would oppose it. That kind of opposition does not seem very creditable to legislators, and I am sorry to say it is not confined to Washington.

HON. MR. POWER—The majority in this Senate are something the same.

HON. MR. VIDAL—I think that is an imputation on the integity and character of the whole Senate which the hon. member ought not to make, and should take back very promptly. There is one satisfaction, nobody will believe it when he says it.

HON. MR. POWER—No, not in this House: it is an unbelieving generation.

HON. MR. VIDAL—I will now make some remarks with respect to the feeling about the treaty in the United States, and the advantages which I think will be derived from its being assented to by this Parliament, by England and by Newfoundland, even if rejected by the United States Senate. I think a very grnat advantage will be gained, and I do not consider by any means that its postponement by the United States Senate will be of any serious consequence. In the meantime observe the advantageous position in which it will place us. We have now taken a position in which we have the cordial approval and firm support of the British Empire. The whole empire stands at our back and acknowledges our present position is right and will put forth its utmost strength to enable us to maintain it. Then, instead of meeting in the United States a nation universally hostile to us what do we find? We find that the larger portion of that nation holds the same approving view of this treaty as we do. How do we know that? Their Senate does not represent the population; it is not a representative body, and being composed of only two members from each State, is a very different thing from representing the large body of the people. We have in the last presidential election the true sense of the majority of the people in the United States, and therefore, when we have the President and his advisers—

HON. MR. MILLER—And the House of Representatives.

HON. MR. VIDAL—They have not, I think, expressed themelves upon it, but I suppose it will be the same. We have the President and his Cabinet, and the Democratic party, the majority of the country, taking the same view that we do, and I am persuaded that the world at large, outside, exercising an independent judgment on this treaty, will say that Canada in adopting it, is doing that which is just, kind and wise. Having then, the approval of the whole world, we can well afford to wait until such time as the political party feeling may subside, when the Presidential election is over, hoping that the United States Senate will come to the same view as ourselves, and ratify this treaty, so well calculated to produce lasting good. Moreover, satisfaction with the treaty is not confined to the Democratic party. Hon. gentlemen will remember that one of the Commissioners, Professor Angell, of Michigan, is a member of the Republican party, and what does he say? He said openly at a public meeting that it was the interest as well as the duty of the Senate of the United States to adopt the treaty. You may be sure that he is not the only Republican who entertains that view. I contend therefore that in assenting to the treaty, we are only doing that which is right, and which is conducive to our own

peace and prosperity, that in making the few trifling concessions which we do, and the United States in making the few trifling concessions that they grant—for I hold that there is a fair and honorable concession on both sides—it will be the means of perpetuating that amity and friendship, that familiar and pleasant intercourse which have existed between us so long, and which, I trust, will never be broken. As belonging to the same race, speaking the same language, interested and proud of the same great men—warriors, statesmen ,poets, and philantrophists of former days we ought never to be separated by strife and when the happy time comes, when the whole world will do away with Custom Houses, our amicable relations will doubtless be more complete. With my present feelings and views, however pleasant and desirable our intercourse with our neighbors may be, I trust Canadians will always feel it to be a higher privilege, and more conducive to our prosperiety and satisfactory to our desires and aspirations, to continue as we are now, an integral portion of the great British Empire.

HON. MR. CLEMOW—I do not wish to prolong this debate but I think it is necessary, seeing there are only two or three gentlemen who have addressed this House, to say a few words in reference to it. In the first place, I think the House must feel a debt of gratitude to the hon. gentlemen from the Maritime Provinces for giving so clear an exposition of the effect which this Treaty will have on the fishing interests of the Maritime Provinces. Of course they are more interested in this question than probably any other section of the Dominion, although being of course a part of the Dominion we are all interested more or less. The fishing interest is very large and important, and therefore anything that can be done for the purpose of improving it will receive the unanimous sanction of Ontario and the other Provinces of the Dominion. As I understand it, the great question seems to be with reference to the treaty of 1818. Well, I commence upon first principles. The treaty of 1818 was undertaken by the American people, an astute and clever race, who never sign a document that they do not intend to carry out; and therefore I think, as far as that treaty is concerned, they have no reason to find fault, whether the terms were too stringent or not. After once ratifying the treaty, it became the law of the land, and they ought to be compelled to abide by its provisions, whatever they may be. I should like to ask hon. gentlemen, supposing the effect were in the opposite direction—and we know that treaties have been made that have not been altogether palatable to the British Empire or to Canada—what we might expect? The Washington Treaty, you all know, was not in any degree palatable to this country; but, still, we were pledged to comply with its provisions without making any kind of difficulty with reference to it. The British people have always made concessions in every treaty. I know myself that they made very important concessions to the Americans during the existence of the Reciprocity Treaty. At one time, by order-in-council, our government allowed the vessels of the Americans to traverse our inland waters here when they had no more authority to pass that order-in-council than I had myself. I was then engaged in the forwarding trade in this section of the country. I took legal advice and found from the best authorities that I could seize every boat of the Americans that came into the city of Ottawa, notwithstanding that the government of Canada had passed this order-in-council and allowed them to come. That shows that our government is always willing and desirous to make every concession. You all know at the time of the abrogation of the Reciprocity Treaty how it was brought about. The American people at that time were desirous of renewing the Treaty, but a most extraordinary combination arose in Montreal, brought about by a gentleman who acted as the American consul, a Mr. Potter. Delegates met in Detroit and when they were about considering the subject of a renewal of the Treaty a report was received from Mr. Potter of Montreal, through his agent, Mr. Wood, of the Telegraph Company, saying that it was not considered in the interests of

the American people that that Treaty should be renewed at that time. They abrogated that Treaty of their own free will, and they have no reason to find fault because the Treaty is not in existence to-day. At that time, I confess, the people of this country were rather anxious that it should continue to exist, but the experience gained since then ought to convince the people of Canada that they found a happy deliverance from having that treaty renewed at that time, because I believe that there was a feeling in the United States that if the treaty were not renewed it might possibly affect the allegiance of the people of this country to the Empire and lead them to seek a political union with the United States. They thought the abrogation of the treaty would have that effect and consequently the treaty was not renewed on that occasion. I believe something pretty nearly similar to what is occuring at the present time happened with reference to that question. It is an extraordinary coincidence that a Mr. Wiman, connected also with a telegraph company —and those telegraph company's possess a large amount of influence, inasmuch as they control a great portion of the correspondence of the country—appeared on the scene, and the same difficulties occurred then that have occurred lately with reference to the extention of the Fisheries Treaty. We acted with every consideration to the American people. At the abrogation of the treaty. instead of putting it into force without consideration, we gave them time for reflection, but it had no effect. This country has done everything that possibly could be done, with honor and justice to ourselves, to maintain friendly relations with our neighbors. It is said that the Americans are a very honorable people, and that they desire to manifest that sense of justice in every way. I am perfectly willing to admit that they may be honorable and, as my hon. friend from Midland says, perfectly straightforward in all business transactions, but from my experience of them, I would just as soon have whatever is done with them committed to writing, and in such a way that it will be binding. They are an astute people, willing to carry out their contrats, but I think they should be bound in thay way. It seems to me that this laudation of the American people is directed more as a kind of censure, if it can be so applied, upon our present Government. Some hon. gentlemen seem to exult in trying to make it appear that our neighbors deserve every consideration, while, on the other hand, they try to accuse the Government of committing all sorts of actions to try and make an impression that they are causing the irritation in the United States, and that the Government and people of that country are perfectly free from blame. My confrere from Ottawa, at the opening of the session, as you are all aware, spoke of this treaty as a complete surrender. The other day he used a different kind of argument and considered that we were not giving enough to our neighbors, and he said, I believe, that what we are getting to-day could have been had some twenty years ago. Well, it is a most extraordinary thing, if they were prepared to give us what is asked to day, that the Senate of the United States will not ratify this treaty at the present time.

It does seem to me to be an extraordinary anomaly. I believe that the American people are desirous of getting all they can. They will make the best bargain they possibly can for their own people, and of course you cannot blame them for that; but I think amongst ourselves we ought to be more patriotic, and we ought to show that our public men are just as honorable and just, as much inclined to discharge their duties in the interests of the country as are the public men of the United States. I cannot understand this constant decrying of our public men. I cannot understand why it is that on all and every occasion censure is attempted to be heaped upon our public men for alleged acts of omission or commission. We all know that, two or three years ago, when the Fishery Treaty expired, there was a sentiment throughout the country generally, that extreme measures should be taken for the purpose of protecting the rights and privileges of our fishermen, and there were no parties in this country more vehement in urging the Government to carry out that idea, than the gentlemen on the Liberal side of politics in this country.

No matter what is done on the part of the Government there is some way of making it a crime, whether they do what the hon. gentleman opposite says they ought to do, or whether they take a different course. So it is in this case. You may depend upon it, if the Government had not acted in the way they have done they would have been censured for not doing it, and I think they would be entitled to censure, because, in my opinion, they have provided ample protection for our fishermen and for the preservation of our fisheries. When the gentlemen from the Maritime Provinces say that the Treaty now before us is satisfactory to them, that it will inure to their advantage and will settle long pending difficulties, why should there be any hesitancy in supporting such a measure? I think the other day it was almost the unanimous sentiment of this Senate to support this Bill; but since this discussion has arisen we find some gentlemen taking technical objections to this and to that clause of it, not for the purpose of showing the clauses are wrong in themselves, but with a view to disparage the acts of the plenipotentiaries who were engaged in making this treaty. Our representatives at Washington applied themselves with all the zeal and knowledge that men could apply themselves with for the purpose of securing a Treaty that would be satisfactory to the people of this country, and we have the satisfaction of knowing that Mr. Chamberlain acted in perfect accord with them. We have heard from Sir Charles Tupper that he was well satisfied with Mr. Chamberlain. We have heard it stated here that Mr. Chamberlain was not a suitable gentleman for the position of plenipotentiary. I do not think we have anything to do with the antecedents of Mr. Chamberlain, or what he may have done or said in Ireland or elsewhere. When he reached this country he at once applied himself to the discharge of his duties at Washington, and I think he has discharged them with such satisfaction that the people of this country will have cause for gratification that the Treaty has been as successful as it is. We are all anxious that that disputed question should be settled, and when the time has arrived for a settlement of it, I think it is very wrong for any public man to interpose difficulties for the purpose of making it worse than it is. The Americans have told us that one of the reasons why a feeling was engendered against the Canadian people was the sympathy shown by a portion of the people of this country with the southern States during the war. There may have been a few people in this country who sympathised with the south, but I defy any man to say that the Government of Canada ever, by word or deed, did anything to encourage or assist or sympathise with the southern disturbance. But how was it on the other side of the border during Fenian raids and the rebellion of 1837? We know that arsenals were allowed to be robbed, and men were supplied with money and arms for the purpose of invading lower and upper Canada. Why not use that as an argument? Hon. gentlemen opposite ought to point that out as grievance to the people of Canada, and I certainly can feel how along the border both in Upper and Lower Canada the sympathies of our people would be to a certain extent in favor of the south. This question has been well argued and a great deal of information has been obtained; and I for one feel deeply indebted to the gentlemen from the Maritime Provinces for having made their case so ably and so much to the point. I think we understand more now of the fisheries question than we ever did before. Our fisheries are a valuable inheritance, and it is one that we ought to protect with all our power. A great deal has been said about the right of the American fishermen to enter the three mile limit, and that upon paying $1.50 per ton on their vessels they can come in and fish as much as much as they like. As I understand the treaty, they have no such right; therefore it does not interfere with the legitimate prerogative of the Maritime Provinces as far as inshore fisheries are concerned. That remains as it is. The Americans have secured the right, as I understand, to purchase bait for the deep sea fishing. That no doubt will be a benefit to both parties, inasmuch as those who have the bait to sell can sell it to advantage,

and it will not interfere in any way with the inshore fisheries. I understood my hon. friend, Mr. Dever, to find fault with the treaty because, as he says, it hands over the inshore fisheries to the Americans on payment of $1.50 per ton license fee; but I am very glad to find that my construction of the treaty is as the hon. gentleman from Prince Edward Island has stated.

The motion was agreed to, and the Bill was read the second time on a division.

The House resolved itself into Committee of the Whole on the Bill.

In the Committee, on the seventh clause,

HON. MR. POWER—This clause is the one which provides for the granting of licenses:—

"7. The Minister of Marine and Fisheries and any officers of the Government of Canada whom he may authorize for that purpose, shall grant promptly, and upon application, and without charge, licenses to United States fishing vessels to purchase in established ports of entry of the aforesaid coasts of Canada, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels."

That portion of the clause is clear enough and easily understood. It purports to give the American fishing vessels the right to get for the homeward voyage the same kind of supplies that trading vessels may get. But I would call the attention of the leader of the House the latter portion of the clause which provides:—

"And any such vessel, having obtained a license in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels."

I think that that extension of the right is a very objectionable feature indeed. It allows a vessel to come in claiming to be on her way home, and get a license under which she is entitled to get provisions and supplies, and having once got this license, whether she goes home or not, if she comes into any other port of the Lower Provinces she is entitled without any question being raised to get those supplies. In the other Chamber the question was asked I think, both of the Minister of Justice and the Minister of Finance, what was the meaning of that? What that provision covered? And neither of those gentlemen, as far as I can learn, gave any satisfactory explanation of the meaning of that paragraph. While we may be called upon to pass the treaty, I think the Government who have charge of the measure should tell us the meaning of it, because as I read this latter part of the clause it practically nullifies the limitations which are in the former part.

HON. MR. DICKEY—I should like to ask my hon. friend if the provision in the Act is not an exact counterpart of number 11? I do not suppose the hon. gentlemen expects us to accept one part of a treaty and reject the other?

HON. MR. POWER—I was not asking anyone to reject the clause; I was simply asking a member of the Government in charge of the Bill to tell us what it means.

HON. MR. KAULBACH—There it is, and let the courts determine. I think it would be improper for us to interpret it.

HON. MR. ABBOTT—I shall endeavour to give my hon. friend as good an explanation as I can; but it must be borne in mind that my explanation will not be conclusive. We must come for a final explanation of it to a court of appeal, but to my mind it does not present any great difficulty of construction. The object to be obtained by this license is the right to a fishing vessel on its homeward voyage to get such supplies and provisions as are ordinarily sold to trading vessels. That is the first part. The second part must necessarily deal with something else. It describes the provisions and supplies which a vessel may obtain under this license, which must be a license under its homeward voyage. And it is the same license, and it is only on a homeward voyage it can be obtained. It speaks of provisions

and supplies as casual and needful supplies; it is qualified in the same way as supplies granted to trading vessels, and can do us no harm. I think it is not the same thing as the first; it is something less broad than the first. It refers to such casual or small incidental supplies as a vessel may need—not a full supply. Not a full outfit of supplies as a trading vessel may no doubt obtain on its homeward voyage. The only reasonable ground upon which we could take objection to this clause would be that it gave something more than the first part of it, and it is quite plain under Article XV that there are supplies which we do not want to sell on such occasions. Under such a license, the right to buy that kind of supplies is only to be obtained after the duties have been removed from fish oil, whale oil and seal oil, etc. What we would desire not to sell under this clause of the treaty is what is mentioned in Article XV—bait, ice, seines, supplies and outfits for fishing vessels. There is nothing in clause XI which would authorize a fishing vessel to buy such supplies as are peculiar to fishing vessels. It is only such supplies as are usual for trading vessels, and those supplies for fishing vessels we do not desire to sell to our neighbors until the duty is removed. If my hon. friend or myself had drawn this clause, we might perhaps, desiring to know more of its meaning, put in some expression to make it clearer. That is the way I should construe it myself, that on all occasions a fishing vessel may obtain those small and unimportant supplies of the class usually obtained by a trading vessel; while in order to buy supplies necessarily incidental to fishing, they must await that period when the United States removes the duty from fish.

The clause was agreed to.

On the 10th clause.

HON. MR. POWER—I think that this clause is one that calls for some little remark. It proposes that the usual way of carrying on legal business in this country shall be altered for the purpose of meeting the convenience of American fishermen. The stipulation that a case of infraction of the provisions of the Treaty shall be tried or heard by the proper Court of Vice-Admiralty at the place where the boat or vessel concerned is detained, just means this, that if a vessel should be seized for instance down in Aspy Bay, Cape Breton, then the judge of the Vice-Admiralty Court has to go down with the officers of the Court to the eastern shore of Cape Breton for the purpose of trying the case, instead of having it tried at the place where the Court is situated. If, about the same time, another vessel is detained at Digby, then the judge and officers of the Court have to be transferred from the extreme east of Cape Breton to the western part of the Province. While I believe in speedy trial, I think that this provision that the Court of Vice-Admiralty shall become a sort of itinerant court is not a very dignified one. Then the third sub-clause of this clause is rather peculiar. It provides that an appeal shall lie at the instance of the person accused only. I cannot see, when a question before the Court of Vice-Admiralty is merely a question of law, why the Crown should not have the right of appeal also.

HON. MR. ABBOTT—The plain object of this clause has been to facilitate as much as possible of trial in this summary manner so as not to detain the vessel. The object is a good one. I am convinced that the gentlemen who settled it and who understand perfectly the management of the Vice-admiralty court of the Province, would not do any thing which would place the court in an undignified position.

HON. MR. POWER—The Americans would not put the court of Alaska in that position.

HON. MR. ABBOTT—With regard to the appeal I do not think there is anything inconsistent with principle laid down here. The Crown never takes an appeal; it is the defence.

HON. MR. DICKEY—The clause itself provides that the court is not

necessarily held where the vessel is seized, because it provides that the judge of the court, may, on application on the part of the defence, order the case to be tried at some other place more convenient.

HON. MR. POWER—If the defendant wishes the change to take place the judge can do so; but the Crown is obliged to go to trial at the place where the vessel is seized. It is like everything else in the treaty—all in favor of the Americans.

The clause was agreed to.

On the 14th clause,

HON. MR. POWER said—I wish to direct the attention of the Committee to something in this 5th sub-clause. It provides :—

"This section shall cease to have any force or effect if the treaty is rejected by the Senate of the United States, and if by proclamation the Governor-General declares this section to be no longer in operation. The day from and after which, in such case, this section shall cease to have force and effect, shall be a day to be named in such proclamation."

Now this is a provision that is not beyond our control. The Parliament of Canada have a right to deal with the matter referred to in this sub-clause ; and I think that the proper course for this Senate to pursue, if they have due regard for the dignity of this country, is to strike out all the words in the sub-clause after "The United States" so that the sub-clause will read this way—"This section shall cease to have any force or effect if the Treaty is rejected by the United States." In that case we shall by passing the Treaty have shown our desire to live on terms of good-fellowship and good neigeborhood with the people to the South of us, and we shall at the same maintain our own dignity by saying that, if they reject the Treaty, then we are not going to allow them to enjoy for wo years all the benefits which they will get under the treaty, which are given to them by the provisions respecting the *modus vivendi.* I think that if the Senate of the United States reject the treaty, we shall best consult our own dignity and the interests of our fishermen and of the Maritime Provinces by deciding that the *modus vivendi* shall not continue in operation after the rejection of the treaty by the United States. The hon. gentleman from Sarnia told us first that it would be a calamity if this treaty were rejected by the Senate of the United States. He was animadverting on a statement of mine, that I hoped the treaty would be rejected by the Senate of the United States, and in doing so he pointed out what a very serious misfortune it would be if that were to happen. Before the hon. gentleman had got through with his speech, his better judgment asserted itself, and he said that we would show our good feeling towards the United States by now adopting the treaty, even though the United States Senate afterwards failed to ratify it. In order to show the hon. gentleman's latter view was the most correct, I shall take the liberty of reading from an article in the New York *Nation*, one of the leading newspapers of that country. The paper says that the treaty will probably not be ratified by the Senate, and the writer goes on to add :—

"Meanwhile the irritation that has existed during the past two years respecting the fishery dispute, has been much quieted by the negotiation, and it will consequently be much easier to keep the peace than it has been heretofore. For so much we ought to be thankful."

Now I move that all of this fifth sub-clause after the words "United States" at the end of the second line be stricken out.

HON. MR. KAULBACH—I am opposed to this amendment. I think we have conceded a great deal to the United States by the *modus vivendi*, but if the Government consider it in the interest of this country, in case the United States do not adopt this treaty, and if there should be a prospect in the future, by some short process, of accepting the treaty, I do not believe it would be wise for us to say that if the United States do not accept this treaty it must fail. By that means the Government would be deprived of any discretion in the matter. They might think that by delay in re-

scinding this clause, probably a better judgment would be arrived at by the United States, but if this amendment were adopted they would be obliged to renew the same process, which seems to be so irritating to the United States, in seizing their vessels. I think it wise that we should leave this matter entirely in the discretion of the Government, and if they believe it is in the best interests of the country to continue that treaty, they should do so, though I do not think it is in the interest of the county from which I come.

HON. MR. ABBOTT—My hon. friend will perceive precisely what this clause is intended to do, and precisely what the effect of his amendment would be. It must not be forgotten that this treaty comes before the United States Senate at an unfortunate period for the careful and impartial consideration of its merits.

HON. MR. POWER—That is what I said.

HON. MR. ABBOTT—We all know, and it is unnecessary to refer further to the fact, that they are almost in the agonies of a general election for President, that the strife of party is very strong and fierce, and there are many considerations which would weigh with the Senate and public men in the United States, in respect to the ratification of this treaty, entirely outside of its merits either with regard to that country or with regard to our own. Now, if the hon. gentleman's amendment carries what will be the result? If the Senate, as is reported, has rejected the treaty this afternoon, the Treaty of 1818, and the fisheries laws as we have had them for the last year and the year before, will be in full operation to-morrow; and all our machinery, which, according to several hon. gentlemen on the other side, has caused so much exasperation and ill feeling in the United States, and according to some other gentlemen on that side, has been the cause of so much barbarity and cruelty being practised by us—all these objectionable features of our fisheries laws will come in force to-morrow morning. I would ask this House in the interest of peace and harmony is it desirable that such a state of things should take place?

HON. GENTLEMEN—No, no.

HON. MR. ABBOTT—Is it not rather desirable, seeing the chance or probability of the United States Congress coming to a different conclusion on this treaty, when they shall be in a position to consider it on its merits only—that our Government should not resume its measures for the protection of our coast fisheries, which I maintain it would be bound to recommence if the laws were so amended? Is it in the interest of this country or in the interest of peace and harmony that it should recommence these proceedings, and renew the bad feeling which has existed for the last year or two—without any fault on our part I maintain—as a result of the enforcement of our rights after such long periods of abandonment of them under the Treaties of 1854 and 1871; and so render it absolutely impossible for us to again reach the point we have at this moment gained, that is to say a moderate fair and reasonable adjustment of the differences between the two countries, by construction mainly of the Treaty of 1818; under which we believe, and we think that the people of the United States will also believe, we can live in harmony, and do justice to our respective peoples. I think therefore that my hon. friend should not press this amendment. He should allow this clause to stand as it is and so leave the Government, in the event of its seeing the prospect at an early day of arriving at the solution which this Treaty offers to all these difficulties, to abstain from putting an end to the *modus vivendi* and allow an opportunity to our representatives, and the Government of the United States, and the Government of Great Britain jointly with ourselves, to resume the consideration of this Treaty on a more favorable occasion, and peaceably re-pass it and put it in force. It is for the purpose of attaining that object, of avoiding for the moment the irritation that would result from protecting our fisheries, that the Government desires to have this provision in the clause.

HON. MR. DICKEY—I think this *modus vivendi* clause is one of the best provisions in the Treaty and that the whole effect would be impaired both as respects the fishermen of the United States and ourselves in the interest of comity and good will if this clause were interfered with. Let the Committee look for a moment at the intention of the clause. It is provided that licenses may be granted during any period of the interregnum which shall pass between the 15th February, 1888, and the 15th February 1890 for the purpose of giving liberty to these people to fish. Those licenses are granted under this clause and I believe I am within the truth when I state that at present applications are being made for those licenses.

HON. MR. ABBOTT—Yes, that is so.

HON. MR DICKEY—That being the case it is not wise that the licenses should be left to go into operation and we should get the benefit of them, and the people who choose to take them out should get the benefit, and that this trouble should be reduced to a minimum if there should be anything of the kind? If the clause is left as it is what will be the effect? Licenses would be applied would be applied for and issued. The treaty may not be ratified to-day, or to-morrow, or until the Presidential election is over, but it may be ratified next year. In the meantime the licenses are in operation, and peace prevails, but if you strike this out, *ipsi facto* then that *modus vivendi* is struck out; it is destroyed; it is no longer a portion of the treaty, but it is well provided that it shall not die but shall survive until the Governor-in-Council shall declare by proclamation that it shall be no longer in operation. What better mode could you contrive to keep this treaty in suspense until these ratifications can be exchanged, because we must all bear in mind that this is not a treaty until the exchange of ratifications between the two great powers —between London and Washington— and until that takes place, and until we give them an opportunity to take a second sober thought on this matter, we provide that this particular section of the treaty shall be in force and shall continue in force until the Governor in Council shall declare by proclamation that it is no longer in operation. I think it is perfectly plain, and if we desire any benefit from this, or that any effect shall be given to the *modus vivenai*, we can do it in no better way than by this clause— that it shall remain in force until it is declared by our own Government to be no longer in operation. What will the advantage of that be? We shall have in the meantime the licenses. These vessels will, in the meantime have taken out licenses, and these licenses shall remain in force for a year and, if renewed, for the two years that intervene between these two periods. I do not think, therefore, that there is any objection to the clause as it is, but, on the contrary, if you adopt the amendment you will make the clause what it ought not to be and destroy the whole effect intended by the plenipotentiaries when this was recommended by the English and Canadian Commissioners and accepted in the same spirit by the American Commissioners.

HON. MR. VIDAL—I am of quite a different opinion from the hon. gentleman from Halifax as to our powers to do this, because it is a part of the treaty. It forms part of a solemn contract signed by Mr. Chamberlain and Sir Charles Tupper: we cannot possibly change it.

HON. MR. POWER—The hon. gentlemen who leads the House has not made that allegation. If the hon gentleman looks at the Schedule of the Bill he will see this:—

"The treaty having been signed, the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland."

That is not the state of things now. The hon. gentleman who leads the House has informed us that the United States Senate has rejected the treaty.

HON. MR. ABBOTT—I say it has been reported that the Senate of the

United States has rejected it. I do not know that the treaty has been rejected.

HON. MR. POWER—This *modus vivendi* was to provide for a state of things that might exist until the treaty was disposed of the United States Senate. The amendment will not interfere with that. The Government have put this sub-clause into the bill themselves ; and I simply wish to strike out the *addendum* they have made to it with respect to the proclamation of the Governor in Council. Hon. gentlemen have told us that we had better leave the discretion with the Government. I think the conduct of the Government in connection with this fisheries question during the past has not been such as to inspire confidence or to induce us to put such power in their hands.

HON. GENTLEMEN—Oh, oh.

HON. MR. POWER—Hon. gentlemen, who are now so desirous of sacrificing our interests for the sake of peace, were twelve months ago full of fight and fire and telling the United States to come on, that they were ready for war or for non-intercourse.

HON. MR. BOTSFORD—We were ready to protect our rights.

HON. MR. POWER—Now the same hon. gentlemen wish to go as far the other way, and even though the United States say that they will not adopt this treaty, these gentlemen ask us to give them under the *modus vivendi* all they ask for. To day the Government are full of peace and good will. We do not know whether in a week from this they will not make as sudden a change as they did with reference to their statutory offer of reciprocity to the United States. I do not think that a Government who how so little consistency on a question of this kind should be entrusted with this discretion; and, further, I feel that if this treaty is rejected by the United States Senate we stand in a very good position. We do not propose to enforce the Customs regulations as they were enforced during the season of 1886. The House must remember that nearly all the complaints made on behalf of the United States fishermen were made in respect to the manner in which the Customs regulations were enforced during that season. Owing to the dissatisfaction which arose out of the enforcement of those regulations, the instructions given to our officers were modified, and during the season of 1887 there were almost no complaints. So we are in this position : if this treaty is dropped altogether, we go on and enforce our rights in the same reasonable way in which we enforced them in the season of 1887. By assenting to this treaty we show that we are anxious to live on good terms with our neighbors, and the natural result of that will be, as the New York *Nation* says, that the irritation which has existed for two years will be quieted, and consequently it will be easier to keep the peace than heretofore. I can see no evil to arise from the adoption of this amendment. I do not think we should go down on our knees to anybody, no matter whom.

HON. MR. HOWLAN—I have listened with surprise to the remarks of the hon. gentleman. It will be remembered that during the late general election there was not a constituency in the Maritime Provinces where there was a fishing vote in which complaint was not made of the action of the Government in preventing the Americans from purchasing bait.

HON. MR. POWER—In the county of Halifax it was not so.

HON MR. HOWLAN—Did not the hon. gentleman say so in his speeches ?

HON. MR. POWER—No.

HON. MR. HOWLAN—Did not the hon. gentleman make a speech at Herring Cove to that effect ?

HON. MR. POWER—I never made a speech at Herring Cove in my life.

HON. MR. HOWLAN — Well in Antigonish ?

HON. MR. POWER—No, the hon. gentleman is altogether mistaken.

HON. MR. HOWLAN—Well, I can say this, that in Nova Scotia, wherever there was a fishing vote, the complaint against the government was that the Americans were not allowed to come in and purchase bait. Now when a means is found to permit them to come in and buy bait the hon. gentleman is finding fault.

HON. MR. HAYTHORNE—I think we are allowing this question to run into party lines again. To adopt the amendment would be to deprive the *modus vivendi* of its conciliatory character and to replace that character with a spice of retaliation. Now, in this matter retaliation is about the very worst thing that either the Parliament of Canada or the Congress of the United States in either branch can adopt. What does retaliation mean? It means war; not war with cannon, rifle and sword, but commercial retaliation. And should such a thing take place and supervene instead of the conciliatory spirit which pervades the *modus vivendi*, I think we should incur very great danger. Another point is that even should the Senate of the United States ultimately decide not to adopt this treaty—there would still remain some chance—some probability that an alternative might be found and suggested by them, but if in the meantime the *modus viveudi* is abrogated, by that fact that the Senate has refused to accept the treaty, we should renew all the old, bitter feelings which have unhappily existed for some years past, and which one object of this treaty is to prevent in the future.

HON. MR. VIDAL—I hold that the hon. gentleman from Halifax mis-reads the document which has been given to us. I contend that a fair reading of that document does not give the power to bring this short of two years. By our legislation we cannot interfere with it. By what other way can the intimation be made to Canada that the United States Senate has rejected the Treaty except by official proclamation; we can only get these things through official sources. Until it has been signed we have no right to issue that proclamation. If the United States take off the duties there is power to issue a proclamation to do that.

The amendment was declared lost on a division.

On the title.

HON. MR. POWER said—We ought to amend the title and make it "a certain capitulation on the part of Her Brittanic Majesty to the United States."

HON. MR. MILLER from the Committee, reported the Bill without amendment.

HON. MR. ABBOTT moved that the 41st rule of the House be suspended in respect to this Bill and that it be read third time presently.

HON. MR. POWER—I might object to that but I shall not: I shall return good for evil.

The motion was agreed to and the Bill was read the third time and passed on a division.

ADULTERATION ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (47), "An Act to amend the Adulteration Act, Chap. 107 of the Revised Statutes of Canada."

He said—This is a Bill which is mainly for the purpose of removing a difficulty that has occurred in enforcing the Adulteration Act. As it stands on the statute book, that law makes it penal to adulterate food. It has been held in a case which was tried in Lower Canada that baking powder, which is an ingredient used in making food, was not included in the term "food," and the main object of this Bill is to amend the Act so as to include ingredients of food. So that the expression "food" will include every article used as food, or ingredients used for mixing with food for man or cattle.

The motion was agreed to, and the Bill was read the second time.

REVENUE AND AUDIT ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (87) "An Act to amend the Consolidated Revenue and Audit Act, Chap. 29 of the Revised Statutes of Canada."

He said—There are two purposes which form the principal objects of this bill: the one is to increase the emoluments of the Auditor, and the other is to give him a share in the superannuation fund, which at present he is not entitled to. These are, in fact, with the exception of two or three amendments calculated merely to facilitate the working of the Department, the objects of this Bill. The Auditor is one of the most valuable officers we have, probably the most important officer in the employment of the Government. Every one on both sides of this House knows with what impartiality, integrity and c pacity he has conducted the affairs of his department, and the large volume laid on the table of this House shows the extent which his work has reached. As to having a share in the superannuation fund, it is only just that it should be given to him.

The motion was agreed to, and the Bill was read the second time.

PROCEDURE IN CRIMINAL CASES AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (48) "An Act further to amend the law respecting Procedure in Criminal Cases."

He said—This Bill is for the purpose of remedying a difficulty that has arisen under the existing legislation. An Act was passed last session which was intended to prevent appeals in criminal cases from any judgment or order of a court in Canada to any court in England. Since the Bill was passed we find that there has been a decision in England that such language has been construed there to mean some court created for the special purpose of hearing such appeals, and that under the form of words that we adopted, though really the Privy Council is a Court of Appeal in England, it was held that it was not such a Court of Appeal as the prohibition of our statute applied to. We now amend it so as to make it clear that the appeal does not lie to the Privy Council or any other English Court of Appeal, whether constituted expressly or not.

The motion was agreed to, and the Bill was read the second time.

DEFECTIVE LETTERS PATENT BILL.

SECOND READING.

HON. MR. ABBOTT moved that Bill (4) "An Act to amend the Act respecting Defective Letters Patent and the discharge of securities to the Crown," be read at length at the table.

He said—This bill has only reference to one of the objects mentioned in its title. The difficulty has arisen in this way. All bonds of the description mentioned in this Act have been registered in Ontario and stand undischarged although there has not been an instance where the registration so standing, has been found to be of any importance. Great difficulty has been found in getting rid of these bonds. Persons have been obliged to come to Ottawa to get them discharged. The evil is very prevalent. The Act on the Statute Book with reference to this registration is amongst the list of bills made by the Commssioners for the codification of our laws which should be repealed upon legislation being passed by the Ontario Legislature with reference to these bonds. That provision has been made in Ontario. So there is no necessity any longer for preserving the effect of these registrations, and they secure no liabilities which the Crown is entitled to recover. The object is to clear property unjustly charged with those registrations and leave the law to be settled by the Act of the Legislature to which I have referred.

The motion was agreed to and the Bill was read at length at the table.

HON. MR. POWER—The Bill does

not seem to carry out the statement made by the leader of the House; because it expressly reserves the bonds which went into operation previously to the passing of the Act. I understood the hon. gentleman to say that they were of no use and that the object of the Bill was to get rid of them.

HON. MR. ABBOTT—The effect of the third clause is to discharge those liens which have been created only by registration and it preserves the right of the Crown to those which have been implemented by the issuing of a writ. I wish to amend the Bill to provide that it shall take effect from the 1st July next.

HON. MR. POWER—I gather from what the hon. gentleman said just now that it will be necessary to repeal the existing statute, according to the recommendation of the Commissioners who revised the statutes, and why should not that be done in this Bill?

HON. MR. ABBOTT—I should be very glad if any legal gentleman from Ontario would give us some information on this subject. I understand that the Bill has been very carefully prepared and I have a note from the Minister to say that it answers exactly the purpose for which it is desired, and I take it for granted it must do so.

HON. MR. POWER—It does not necessarily follow. Two years ago a bill came up respecting the fishery question, which was to do exactly what was required, and it was found on investigation that it did not do what it purported to.

HON. MR. ABBOTT—I am disposed, if my hon. friend desires it, to postpone the third reading until to-morrow.

Ordered that the Bill be read a third time to-morrow.

SECOND READINGS.

Bill (62) "An Act to incorporate the Grenville International Bridge Company." (Mr. MacMillan.)

Bill (32) "An Act to incorporate the Dominion Plate Glass Insurance Company." (Mr. Power.)

THIRD READING.

Bill (90) "An Act to amend the Revised Statutes of Canaada, chapter 181, respecting punishments, pardons and the commutation of sentences," was passed through Committee of the Whole and read the third time and passed without debate.

THE IRVINE DIVORCE BILL.

SECOND READING.

The order of the day being read for the second reading of Bill (1), "An Act for the relief of Andrew Maxwell Irving," and that the petitioner do attend at the bar and be heard by counsel.

HON. MR. MACDONALD (Midland) presented to the House the certificate of the Clerk of the Senate that notice had been posted upon the doors of the Senate according to rule.

The certificate was laid on the table.

HON. MR. MACDONALD (Midland) presented to the House declarations to prove the impossibility of complying with the rule of the Senate requiring personal service of notices upon the respondent.

The certificates were read by the Clerk at the Table.

HON. MR. MACDONALD (Midland) moved that this House is satisfied with the proof adduced of the impossibility of complying with Rule 76 of the Senate, requiring personal service upon the party from whom the divorce is sought of the notice of the second reading and a copy of the Bill for the relief of Andrew Maxwell Irving.

The motion was agreed to on a division.

The SPEAKER informed the House that Andrew Maxwell Irving, the petitioner in this case, was in attendance below the Bar, ready to be examined by the Senate generally as to any collusion or connivance between the parties to obtain a separation.

HON. MR. MACDONALD (Midland) moved, seconded by the Hon. Mr. Dever, that the examination of the petitioner in

this matter as well generally as in regard to any collusion or connivance between the parties to obtain a separation, be, for the present, dispensed with, but that it be an instruction to the Select Committee on Divorce to make such examination.

The motion was agreed to on a division.

HON. MR. MACDONALD (Midland) moved that the Bill for the relief of Andrew Maxwell Irving be now read the second time.

The motion was agreed to on a division.

HON. MR. MACDONALD (Midland) —that the said Bill be referred to the Select Committee on Divorce.

The motion was agreed to on a division.

BILLS INTRODUCED.

Bill (61) "An Act respecting the St. Catharines and Niagara Central Railway Company. (Mr. McCallum.)

The Senate adjourned at 11:45 p.m.

THE SENATE.

Ottawa, Wednesday, May 2nd, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE SOUTH-WESTERN RAILWAY BILL.

THIRD READING.

HON. MR. DICKEY from the Committee on Railways, Telegraphs and Harbors, reported Bill (54) "An Act to incorporate the South-Western Railway Company," without amendment.

HON. MR. MILLER moved that the Bill be read the third time.

HON. MR. POWER—When this Bill was read the second time and referred to the Committee it was the understanding that any objection to the principle of the Bill might be considered at the third reading. I do not think it is desirable that a bill of this character should be allowed to pass without some special mention of its character in the House. The Bill is ostensibly a private Bill; but it is in reality more a public than a private Bill. Substantially this is a Bill which authorizes the Canadian Pacific Railway to build a line from Montreal along the south shore of the St. Lawrence to connect with the Rome and Watertown Railway in the State of New York at a place called Massena Springs. The opposition to the Bill arose from the fact that another Company had got a charter to build a road over practically the same territory; and the position of affairs was this; that when the people of the district through which this road is intended to pass asked the Directors of the Canadian Pacific Railway Company if they would construct the road, they declined at that time to do so. That being the case, the other Company which now has the work under construction, undertook to build the road on the faith of the declaration that the Canadian Pacific Railway Company were not going to undertake it and in view of the fact that Parliament at its last session had refused to pass a Bill similar to the one now before this House. If that Bill had passed last year there would have been no serious injury to anyone, because up to that time the company who are now building the road had not expended any considerable sum of money in the work. As I understand the position of the matter today, it is this: the other company, who have received no aid from the Government, have expended a large sum of money on the road, and that expenditure will be rendered almost useless by the passing of this Bill. The probabilities are that, owing to the passing of this measure, the company who are constructing the road will be unable to dispose of their bonds in the English markets. That is a state of things which calls for some attention. The road under construction, will, I think, be able to do all the business that is to be done in that part of the country; and it is not contended that the second road is necessary for that purpose. It is said that there are some small districts south of the St. Lawrence which would be better served by the road undertaken by the

Canadian Pacific Railway Company than by the road under construction, that is all. It is to be regretted that we should be guilty of something like a breach of faith to the people who have spent their money on the road. They have gone on with the work with the reasonable understanding that no other company would be chartered to go over the same ground for at least a reasonable period ; and an amendment was moved in committee to the effect that this bill should not go into operation for two years. I regret that the hon. gentleman who moved that amendment in committee is not now in the House ; because I think it is an amendment on which the sense of the House should be taken. This danger presents itself to the country now : the Canadian Pacific Railway Company have got from this country up to date, including the guarantee now before parliament, some eighty-three millions of the public money. The other great company has not for a great many years received any appreciable assistance from the government ; and I do not think that it is consistent with our idea of British fair play that we should assist in handicapping the weaker company in their competition with one which has received such an immense sum of money from the country. Apart altogether from the fact that it seems a sort of breach of faith to pass this Bill to-day, there is another consequence which may follow and which is still more serious. It is not at all improbable that the Grand Trunk Railway finding that, as they conceive, there is no opportunity of getting anything like fair play from the Parliament of Canada, may, instead of continuing to compete with the Canadian Pacific Railway, form with that company a combine that would be most unfortunate for the interests of Canada. For the reasons I have given, I think we ought not to read this Bill the third time, or, if we do, we ought to amend it in the sense in which it was proposed to be amended in the Committee.

HON. MR. ALEXANDER—I claim permission of the House to offer one or two observations upon the third reading of this Bill. I am prepared to endorse some of the views expressed by the senior member for Halifax. Everyone who is familiar with the history of the Dominion during the past ten years must bear evidence to the great injustice which has been rendered to the Grand Trunk Railway. I have often ventured to call attention to the injustice done to the Grand Trunk Railway. The Grand Trunk Railway was our first great trunk line. The shareholders of that Company invested several millions of pounds in the road, for which they have never received one farthing interest. They took stock in that railway corporation chiefly upon the assurance of Lord Elgin and the Government of the day that they would get eleven per cent. or twelve per cent. interest upon their money. The stock was taken in good faith by the capitalists in London. The Grand Trunk Railway Company have endeavoured through years of adversity to carry on their work. I remember upon one occasion, when Sir Alexander Galt was Minister of Finance, that if he had not advanced $100,000 to the company they could not have cleared the snow from their tracks in the winter. After millions of dollars of British capital had been sunk in that enterprise, the Government conceived it to be in the public interest to construct the Canadian Pacific Railway, extending from ocean to ocean. My opinions upon that policy are unchanged. My opinion was that in that matter we should make haste slowly. Washington, the first President of the United States, said that if you wish a country to prosper let its progress be gradual—advance with wisdom and prudence, and endeavour to build up our country honestly and safely, without throwing too great burdens on the people.

HON. MR. KAULBACH—I think my hon. friend supported the Bill in Committee.

HON. MR. ALEXANDER—I thank the hon. gentleman for giving me the opportunity of explaining why I so voted. The directors of the Canadian Pacific Railway, Sir George Stephen, Sir Donald Smith, Mr. Van Horne and Mr. W. B. Angus took the contract to build the Canadian Pacific Railway, and completed the road in a most marvellous manner.

They displayed such financial skill, engineering talent and wonderful administrative power that they surprised the world. It was proper that Her Majesty should confer a baronetcy on Sir George Stephen, who, I am proud to say, comes from my own county, in Scotland,—from within twenty miles of where I was born, on the Deveron side. While the United States trunk lines to the Pacific involved so much disaster to those who undertook them, our Canadian Pacific Railway has been undertaken and carried through in a masterly way without trouble to the Government, or without imperilling the capital of those who took their stock or bonds. We cannot praise too highly those men, and the country having endorsed such Government policy, the Parliament are in honor bound to supplement still further their aid to the Company. Every one will remember Grip's cartoon with a magnificent photograph, of the Woodstock Senator, warning the country that after the completion of the road, further calls would he necessary? Has not my prophecy come true? Hon. gentlemen laughed when I made that prophecy, but we know what has been the action of Parliament since. As a matter of course, Parliament must continue to aid that national work. And it is a sad reflection and is sadly to our discredit that in doing so we are doing great injustice to the Grand Trunk Railway which has built up the Province of Ontario, at the cost of its shareholders ruin. The London *Times* once reproduced my remarks on that subject. And what are we obliged to do to-day? After sustaining the Canadian Pacific Railway to tap the Grand Trunk Railway at Guelph, Barrie, London Woodstock, Brantford and every important point throughout the country, how can we consistently refuse to grant this Bill, asked for.

HON. MR. MACDONALD (B. C.)—Then why oppose it now?

HON. MR. ALEXANDER—I say on the floor of Parliament that having given the Canadian Pacific Railway a charter to tap the Grand Trunk Railway at so many points, we are bound to do something or other for the Grand Trunk in the future, and it is for Parliament to say how that is to be done. Let it not be said that a blot shall rest on the history of our country by doing wrong to any railway company; no man should leave a cloud on his past reputation of wrong doing to his fellowmen. I had the honor of voting with the hon. member from Lunenburg to-day, and I felt that I could not consistently vote otherwise.

HON. MR. POWER—I beg to move an amendment that this Bill be not now read the third time, but that it be amended by adding thereto the following clause:—

"This Act shall not come into operation until the first day of July, 1890, and the time hereinbefore limited for the commencement and completion of the railway shall be calculated from the said date as if this Act were passed on that day."

HON. MR. MILLER—I am happy to say that it will not be necessary to answer the eloquent though not very argumentative speech of the hon. gentleman from Woodstock, for that gentleman has much more ably and eloquently answered himself than I can; but I wish to make a few remarks in reply to the hon. gentleman from Halifax. I attended the committee before which this bill was presented, and I may say that after the fullest and clearest discussion by able professional men and others on both sides, the committee had no hesitation in coming more conclusively than I have known them on any subject previously before that committee, to a decision on this case. The hon. gentleman from Halifax has stated that this bill was rejected in the House of Commons last year. I take issue with him on that point.

HON. MR. POWER—A similar bill was.

HON. MR. MILLER—I beg the hon. gentleman's pardon, it was not; but supposing it was before Parliament last year, and is this year presented again and is passed by an enormous majority in the lower House, what conclusion would anyone form on the action of the House of Commons on those two occa-

sions? The only reasonable conclusion would be that the members of the House of Commons had more information this year on the subject than they had last, and were able to correct the error which they admitted they had fallen into when the Bill first came before them. It is said that we are interfering with the rights of other companies who have taken this ground and are about building a railway in the localities through which this line is run. Even admitting that, is it to be contended for a moment that in the old settlements of Canada a monopoly is to be set up with regard to railway facilities when we are abolishing monopolies in every direction—more particularly when we are abolishing the monopoly which the Pacific Railway has under contract with the Government, and which gave them a great advantage in the way of guaranteeing their loans? It is not in the mouth of the Grand Trunk Railway to complain of a monopoly in eastern Quebec when public opinion is about to sweep away the monopoly in Manitoba which was solemnly guaranteed by contract, and the country is about to pay a considerable sum for doing so. Another point I wish to present to the House is this, that it is not as a local line that this connection is required. The Canadian Pacific Railway has now a very large trade with the northern railway system of New York, and they have during the portion of the year to transfer their trains by ferry to Brockville and then down to Montreal, making a circuitous route in winter time, which during some months, is often impraticable because of crossing of the St. Lawrence. What the desire is, not the local traffic for this district, but to have a short line from Montreal connecting with the railway system of northern New York and then with the western system of railways of the Canadian Pacific Railway and also with the Short Line in the Maritime Provinces. This was the chief object in desiring this line and the Committee were I may say unanimous in supporting the charter.

HON. MR. POWER—Nineteen to seven.

HON. MR. MILLER—Not on that point. I think the division to which my hon. friend alludes was the division on the amendment which he has now proposed; but on the other the Committee was almost unaminous. With regard to this amendment I look upon it as tantamount to defeating the Bill. The object of it is to give the Grand Trunk Railway time to complete their line and to make connection with the American system by which they will have a decided advantage over the Pacific Railway Company if they can prevent them from commencing their work before two years. I think it is the first time that it has ever come under my notice that we are asked to prohibit a corporation to whom we are giving a charter to construct a public work, from proceeding with the work until after the expiration of two years. It is so unreasonable a proposition that I do not think my hon. friend will find many to support it in this House.

The amendment was declared lost on a division, and the Bill was then read a third time and passed.

THIRD READING.

Bill (59) "An Act to grant certain powers to the Nova Scotia Telephone Company (Limited.) (Mr. Power.)

RESOURCES OF THE GREAT MACKENZIE BASIN.

THE COMMITTEE PRESENT THEIR THIRD REPORT.

HON. MR. SCHULTZ, from the Select Committee appointed to inquire as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky Mountains and west of Hudson Bay, and comprising the great Mackenzie Basin, its extent of navigable rivers, lakes and sea coast, of agricultural and pastoral land, its fisheries, forests and mines, presented their third report, and moved that it be taken into consideration to-morrow.

HON. MR. POWER—I would ask that the hon. gentleman move for its consideration at some later date. The evidence

is not printed, and we are not sufficiently conversant with it to form an opinion on the report.

HON. MR. SCHULTZ—The evidence has been on the table of the committee room for the last three weeks for examination by any members who wished to read it. I do not see, under the circumstances, that there should be any delay beyond to-morrow. Of course if it is not reached to-morrow on the orders of the day, it will have to remain over for another day. Under these circumstances I would ask the House to sustain my motion, that the report be taken into consideration to-morrow.

HON. MR. BELLEROSE—I believe that the time is too short; the evidence has not been translated yet, and I told the hon. gentleman that I would oppose that report being taken into consideration until we had the French translation of it.

HON. MR. SCHULTZ—As a matter of course the hon. gentleman will understand that the report, which is a short one, does not comprise all of those papers. The report itself, I suppose, will be presented in the votes and proceedings in French and in English, and they will be all distributed to hon. gentlemen to-morrow.

The motion was agreed to.

FRAUDULENT MARKS ON MERCHANDISE BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (91), "An Act to amend the law relating to fraudulent marks on merchandise."

He said—This is a Bill introduced in consequence of a convention which was entered into by several European nations, not including at the time Great Britain, for the purpose of adopting a uniform system with regard to fraudulent marks on merchandise. We have, as hon. gentlemen know, a statute on that subject, one of the chapters of our Revised Statutes, but England has now passed, and these other countries have, I believe, also passed laws based upon this convention and pretty nearly uniform in purport, intended to carry out the design of having universal protection to trade marks. This Bill is introduced for the purpose of carrying out the terms of that convention respecting which there is, I believe, to be a supplementary convention held, to which representatives of the colonies will be admitted. It would be impossible for me to give even an introductory explanation of it. The only way in which it can be really explained, and the differences which exist between it and the existing law can be made plain to the House, will be when it is taken up in Committee.

The motion was agreed to, and the Bill was read the second time.

CUSTOMS ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (92) "An Act to amend chapter 32 of the Revised Statutes respecting the Customs."

He said—This Bill is voluminous, comprising a large number of pages and, I may say, an immense number of alterations in detail of the existing Customs Act. This Bill is in the same position as the one which has just passed through the second reading, only the representation which I then made, as to the possibility of discussing it now, applies with greater force to this than to the other measures. It will be altogether out of the question to attempt to go into a discussion of the bill at this stage. I think it would be to the advantage of the House to take those details up when the bill is before the Committee of the Whole House. The Minister of Customs has printed a series of notes, pointing out the origin and cause of every change proposed to be made in the law, and those notes will be distributed to members of the House this afternoon.

HON. MR. SCOTT—I have not had

an opportunity to thoroughly examine the bill, but on its face its seems to give additional powers to the customs officers to make thorough inquiry into all goods imported into the country. That seems fair enough on the face of it, but there are more than ordinary powers given to those officials, and we know very well from past experience that they are a very zealous lot of officials, and that heretofore there has been rather a premium on their zeal. That has led to an exercise of their powers in a way which has savored somewhat of tyranny in this country. For a people who profess to be free, the tyranny of the Customs Department is not equalled in any other country—that is taking into consideration the view we have, as a people, of the mode of collecting duties. I have, on a former occasion, drawn attention to the importance of having an independent tribunal, because I think it is rather a farce that when an officer makes a seizure you have to appeal to his superior who, in 99 cases out of 100, sustains him : and if you appeal further up still, he is further sustained. We know that in a case which was recently before the Supreme Court—the Ayer case—the Customsauthorities undertook to say they had a right to go back six or eight years and we know very well that the disclosures made there were such as to reflect on the honor, dignity and integrity of the officials employed, that every possible means was taken by the Customs officials to induce perjury and bribe men to swear to what was false and to corrupt witnesses from the other side, and to such a degree was that carried that the opinion so far expressed—I do not know that the case has been settled in the highest court and it may still be *sub judice*, and I therefore desire to speak with some hesitation—but from what I heard of the case I am convinced that the course taken by the officials of the Department was not such as recomended itself to men of good sense as being fair, right and honest. What we want in this country is a tribunal easily reached where, when a well grounded objection is taken to the action of the Department, the case should be tried before that tribunal and not before one nominated by the Minister himself. It seems to me that it would be possible to acomplish that, and until that is done there will be very great dissatisfaction. Our customs laws now have become exceedingly elaborate and multitudinous. The articles that come under the purview of the Department have increased so largely of recent years, and the system of imposing duty, *ad valorem* and specific, on many articles being so complicated, it requires a very astute arithmetician to make up the duty on them. There is first the specific then the *advolerm*, and then the *pro rata* precentage. I think that is the way that duties are collected on sugars and other articles, so that it requires very special information. It is not possible that all the officials at every port of the Dominion can be equally well informed on these important points. What I feel is that there is an absence of uniformity in the various ports where these articles are entered. That ought not to be the case ; an article ought to pay the same duty at one port that it pays at another. That is the intention of the law, but unless you have men of equal judgment at all these ports it is quite impossible to carry it out. I do not propose to go more fully into this, but I think it is a point worthy of consideration by the Government. It would relieve them of a great deal of trouble and of many attacks which are made upon them, no doubt many of them improperly made. I quite appreciate the fact that people importing goods may misrepresent facts, but I feel that at the various ports of the Dominion there ought to be absolute uniformity. That has not been secured in the past. It is notorious that goods have been entered at one figure at one port and at a different figure at another, simply because they are in a different category, and there is no way, as between the Government and the subject, of arriving at what the importer ought to pay, unless there is an independent tribunal over which neither party has control, which will adjust the matter in dispute.

HON. MR. ABBOTT—My hon. friend will find that some of the difficulties

which have been experienced in the working of the Customs Act, more especially those he mentioned in the first instance, are removed by this Bill. In the first place, the time during which, under the Customs law, the Department may follow up the goods is shortened, if my hon. friend's figures are correct, to about one-half. With respect to uniformity, I do not know that much more can be done on that subject. I believe there is a provision in the Bill to endeavor to effect greater uniformity, but, as a matter of fact, the difference in value depends more on the appraiser than on the interpretation of the law, and that it is impossible to attain uniformity because the appraisers differ in judgment. The appraiser at one port may put a different value upon an article from the appraisers of other ports so that the uniformity which my hon. friend desires, and which we would all like to see, is more difficult of attainment than perhaps one would suppose from my hon. friend's speech. The independent tribunal is also a very difficult matter, as my hon. friend who has had a great deal of experience in these matters knows very well. It is impossible that another court of justice should be established for the purpose, but the tribunal which the Act provides for is expanded, I believe, a little by this Bill, but it does not constitute an independent tribunal. It is composed of public officials who have no interest in the matters they are called to adjudicate upon. These men are experts in the matters that are referred to them, which judges would not be. However, perhaps my hon. friend will not require from me any further discussion of this point until we get the Bill before us with the explanation of the Minister, and have such discussion as may be thought necessary when it comes before us in committee.

The motion was agreed to and the bill was read the second time.

SPEEDY TRIALS ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of bill (93) "An Act further to amend the Speedy Trials Act, chapter 175 of the Revised Statutes." He said—This bill is for the purpose of extending to the new districts in the Province of Ontario, and to British Columbia, the provisions of the Speedy Trials Act. I think there is no alteration in the act beyond that.

The motion was agreed to and the bill was read the second time.

ANNAPOLIS ATLANTIC RAIL WAY COMPANY'S BILL.

SECOND READING.

HON. MR. KAULBACH, in the absence of Hon. Mr. Boyd, moved the second reading of bill (82) "An Act to incorporate the Annapolis Atlantic Railway Company."

The motion was agreed to and the bill was read the second time.

INDIAN ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (106) "An Act further to amend the Indian Act, chapter 43, of the Revised Statutes."

He said—This is a Bill to amend the Indian Act in several particulars, but the principal object is to amend the law with regard to the admission of half-breeds to treaty privileges and the retiring of half-breeds from treaty privileges, making their lands open to assessment for municipal taxation, providing for more stringent regulations with respect to the sale of intoxicating liquors to Indians, and also providing for the disposal of fines collected in British Columbia for selling intoxicating liquors to Indians.

The motion was agreed to, and the Bill was read the second time.

BUFFALO, CHIPPEWA & NIAGARA FALLS STEAMBOAT & TRAMWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MACDONALD (Midland) moved the second reading of Bill (67)

" An Act to incorporate the Buffalo, Chippewa & Niagara Falls Steamboat and Tramway Company."

The motion was agreed to and the Bill was read the second time.

ADULTERATION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the whole on Bill (47) " An Act to amend 'The Adulteration Act' chapter 107, of the Revised Statutes of Canada."

In the Committee, on the first clause.

HON. MR. PAQUET said (in French) —This Bill which we are about to examine demands the most careful consideration of this Chamber because it is intimately connected with the public health. I wish to draw the particular attention of its honorable proposer to the fact that for several years we have had a law on our statute books on this important subject, the object of which is to protect society against frauds, unhappily too common, among certain dealers. To accomplish this purpose Parliament voted for several years, to 1884 inclusive, ten thousand dollars anually. In 1885 the sum of fifteen thousand dollars was appropriated for the same object; in 1886 twenty thousand dollars; in 1887 twenty-one thousand five hundred dollars, and in 1888 the appropriation in the estimates is twenty-five thousand thousand dollars. Now let us see, by the official reports, what results have been obtained from this expenditure. The official report dated the 11th October, 1882 (page 7), says :—

" Of three hundred and twenty-four different samples submitted to the analyst, 210 were pure, 101 adulterated and 13 doubtful or of an inferior quality."

Here, therefore, we have fraud established in the proportion of fifty to one hundred. The report of the following year, 1883, says (page 7) with regard to conditments :

" When it is borne in mind that over 900 tons of spice and condiments are annually entered for consumption in Canada, of which two-thirds are imported unground to be manipulated at Canadian spice mills, the fact that the consumer is seriously defrauded is clearly manifest. Of the samples submitted for analysis, 64 per cent. were adulterated. These contained foreign farinaceous substances to an extent varying from 20 to 50 per cent. It would appear, therefore, that a very considerable proportion of what is purchased by the consumer for pepper, ginger, mustard, and other like condiments, is, in reality, ground peas or flour, and that this fraud upon the consumer is perpetrated through the agency of Canadian spice mills. The question likely to arise in the public mind is whether some kind of supervision is not desirable to set limits to the growing evil."

Let us examine the subsequent years and see, always taking our facts from the same official sources, what results have been obtained ? In the report of 1884, page 10, we read the following :—

"In former reports I have stated all that I can suggest as a remedy to the systematic adulteration of spices and condiments. A system of license inspection and forfeiture of adulterated goods, involving the destruction of the materials of adulteration found on the premises, might control this almost universal fraud which has received no check from its exposure, and in return stands thus : One genuine spice—thirty-two adulterated and one doubtful.

No improvement has been found in ground coffees; twenty-two samples out of twenty-four were found adulterated."

We do not find here, then, any satisfactory progress; the results continue to fall short of the attempt. Notwithstanding the increase of the appropriation from $10,000 to $20,000 in 1886, the report states (page 12) the following :—

" It is obvious, from the above statement that the practise of adulteration is chiefly *now* as *formerly* in the hands of the coffee and spice grinder. Several convictions and penalties enforced from these merchants. . . . . So far, it appears that country samples are as generally adulterated as those of the cities of the Dominion, and the extension of the Act will probably prove beneficial to the country at large. In large centres this will suggest the appointment of a general district inspector."

It is easy to draw a conclusion from these premises. Where the sum appropriated for a measure of such importance is manifestly insufficient, even if it is necessary to double it we should not be at all niggardly if we wish to accomplish the desired end; otherwise there will be a

failure, and I would urge the government to see to it without delay. From the facts which are here established, and the reasons I have given, I believe that the measure which is now before us will not accomplish the desired result. I hope, then, that the hon. member who has charge of this measure will complete it; if not to-day, at least as soon as possible, above all by doubling the severity of the punishment where an offence is repeated. If an understanding with the Provincial authorities could be arrived at, whereby licenses would be refused to persons found guilty of engaging in the adulteration of articles of commerce, I believe that there should be no hesitation in doing so. Let us remember that we should take measures to preserve the first of all blessings—the public health.

HON. MR. ALEXANDER—This is a question in which every member of the House must take a very deep interest. No one can live in my section of the Province of Ontario without feeling that in regard to articles of food and drink there is too much adulteration. When we go into the cities and towns we meet many people who bear the evidence of impaired health from some cause, people who are industrious, who rise early and lead proper lives, and still their health appears to be affected. I know that my health has been affected by some cause and I did not discover until lately that it must have proceeded from the adulterated food that I took.

HON. MR. KAULBACH—Might it not have been in the drink?

HON. MR. ALEXANDER — I go into a city which I will not name, and partake of the beer of four or five different breweries of that city, and I say, without fear of contradiction, that that beer is calculated to injure the health of the people who use it.

HON. MR. DEVER—Do not drink it.

HON. MR. ALEXANDER—It has become a sad feature of modern society that money must be made by any means. Men go into trade who have begun life sweeping out shops, and their whole and sole thought is to become wealthy, even though at the sacrifice of the health of their customers, by selling them adulterated food and beverages. You can scarcely purchase good Mocha coffee in this country. The coffee which is sold in the grocery stores is adulterated with chicory.

HON. MR. POWER—Perhaps the hon. gentleman adulterates his coffee himself.

HON. MR. ALEXANDER — The country is deeply indebted to the Government and to the leader of this House for introducing a Bill the object of which is to prevent the adulteration of articles of food and drink. I would punish the brewers who make unwholesome ale. I would have three-fourths of such breweries shut up. If the samples of beer were examined by competent men appointed by the Government, I am satisfied they would find in them strychnine and other poisonous articles. Look at the number of cases of delirium tremens and sudden death. Look at the number of poor creatures who walk down York, Queen and King Streets in Toronto with blighted health. We never saw that in the days of early settlement, in 1832, when Canadian whiskey could be obtained for three York shillings a gallon. There was no delirium tremens then, no bad health. Men took freely at that period what they wanted without any apparent great injury. We speak of the civilization of the present day, but it is a somewhat spurious civilization—a civilization to make money by any means, honest or dishonest. The Government can render great benefit to society by strictly enforcing this Adulteration Act. I believe I was the first to introduce an adulteration act in the Parliament of Canada. If some of the merchants who make money by the sale of articles injurious to health were punished, it would be a great public gain. I dispise those merchants and brewers who make money at the sacrifice of the public health.

HON. MR. POWER—I wish to say a word with respect to this clause. The hon. gentleman from Woodstock has told

us that all coffee is adulterated now. I was going to ask him what antidote he found best to counteract the evil effect of adulterated coffee. The point taken by the hon. member from La Valliere (Dr. Paquet) is that while the law is good enough it is not carried out in such a way as to render it very effective. That is a question which the leader of the House has to determine. There is no object in passing good laws, and afterwards amending them, where they are found defective, unless they are properly enforced. That is the real difficulty about the Adulteration Act. I quite agree with what the hon. gentleman from Woodstock says about liquor; I think a great deal of the injury that is done by liquor drinking in this country is because most of the liquor sold is not pure but adulterated with the vilest materials.

HON. MR. DEVER — For twenty years we have hardly missed a session without having a bill of this character before us for the purpose of altering the law in some way to enable the Department of Inland Revenue to complicate business that comes under its purview. As the hon. member from Halfax says, it is perfectly useless to pass bills of this nature unless they are directed by competent, trained business men. I do not care about expressing it, but still I cannot get over the fact that whilst the duties on spirit are so high, it will be "extended" with water; that is the secret. The hon. gentleman from Woodstock stated that many years ago there was no such thing as spurious goods. That is quite right: it was not worth while then to adulterate, because goods were cheap. As he stated, whiskey in Canada was then worth only three shillings a gallon; now the same quality is being sold for $4 a gallon. It is precisely the same whiskey, only a little stronger, I suppose; the difference in price is the duty, and, hence, dealers in these goods naturally try to reduce them, and that is the secret of "extension." With reference to coffee, I do not see why it should be adulterated. There is no duty of any consequence upon it.

HON. MR. MILLER—There is no duty at all upon it.

HON. MR. DEVER—Yes, there is; three cents a pound, and ten per cent. *ad valorem* on imported ground coffee. It is a great pity that an article that we all consume every day should not be pure. There is no reason why it should not be so, because the very best old Government Java can be purchased in England for 17½ or 18 cents. per lb. landed here. Now coffee ought to yield a fairly remunerative profit at about 27 or 30 cents per lb. Instead of that, parties dealing in the article charge 40 cents a pound. The best ground coffee imported into this country was manufactured in Boston at one time.

HON. MR. SMITH—Manufactured; it was not grown there.

HON. MR. DEVER—I do not advocate at all the importation of ground coffee.

HON. MR. SMITH—Even the green coffee does not come from England.

HON. MR. DEVER—I say that coffee is now adulterated, and worse than that it is roasted in the cities in Canada and put up in canisters and sent all over the country, and by the time it is used it has lost its aroma and is comparatively worthless.

HON. MR. MACDONALD (B. C)—It is not poisonous, though!

HON. MR. DEVER—Coffee should be ground in every locality where it is used, to have it fresh and satisfactory. In fact it should not be more than forty-eight hours toasted and ground, to have it good. Green coffee can be kept any length of time, provided it is in a dry condition. I know that spice is adulterated very extensively, and so cleverly that it is almost impossible for any but experts to detect it. Cream of tartar and the ordinary baking sodas are also extensively adulterated. It is perfectly impossible to put a stop to these frauds until more competent men are placed in the Department to examine into these questions. There are men who assume to be experts in these matters who are not experts, and it is a matter of vital

importance to the public that we should have a close inspection and analysis of these articles. I do not think there is any reason why we should not have as pure food and drink as any other country in the world.

HON. MR. GIRARD—I confess that I am somewhat alarmed by the information laid before the House by Hon. Mr. Paquet. I did not know that such frauds were daily committed in various parts of the Dominion. From the information he has given it would appear that over fifty per cent. of all the food sold by the grocers is adulterated, and when so much has been done to injure the public health, I would like to know what the Government are doing to prevent it. I would ask the leader of the Government if any prosecutions have taken place to punish parties found guilty of such abuses? The law provides that those who commit those adulterations should be punished. If the provisions of the law are carried out, there would be a great deal to do in the way of punishing those who adulterate liquors, which, with the assent of the Government, are distributed throughout the Dominion. If it is possible for the leader of the Government to give us any information as to the operation of the Adulteration of Foods Act in the past year, we should like very much to hear it. I do not consider that the public will recieve any more protection from this proposed law than they have received in the past.

HON. MR. ABBOTT—The law which we have already in our statute book is, in the main, a good law. It has been adapted from the laws of other countries on the same subject; nevertheless, it is a law of comparatively recent introduction and has not been in force sufficiently long to master all the details of these adulterations. In answer to my hon. friend, I may tell him that a great deal has been done towards acquiring information as to the modes of particular adulterations and as to the detection of them; and for that purpose a competent staff of analysts has been appointed. The Chief Analyst, Mr. Macfarlane, is a man of great skill and experience, and is very competent for the position he fills. The Dominion has been divided into districts for the purpose of food analysis, and in each district there is an analyst, in some cases with assistants, who take samples from all dealers for the purpose of analysing them and, so far as possible, punishing those found guilty of committing those adulterations. There have been, in several of those districts, quite a number of prosecutions during the past year, many of which have been successful. Although it is no doubt true, as stated in some of the reports, that no great diminution in the proportion of adulterated articles of food has yet been arrived at; still additional precautions are every day being taken to provide, in the first place, that articles which are sold shall be correctly designated by the marks upon them so that the people may know what they are buying; and that persons who violate the law with regard to the making of their goods shall always be punished. The results of the examinations made in 1886 are to be found in the report of the Minister of Inland Revenue, and I would commend that book to my hon. friend if he feels any curiosity on the subject. An enormous amount of information has been compiled in it, which all serves towards the end of making the Act, year by year, more efficient. It was in consequence of the failure of one of those prosecutions last year that a clause in this bill was introduced. This contains nothing more than remedies for some small defects which have been found in the exercise of the powers conferred upon the Government by the Act upon our statute books, and one of them is the one I have just referred to. A judge thought proper to refuse to recognize baking powder as food; therefore, although the baking powder in question was proved to be adulterated in a high degree, he refused to convict the person who was selling the mixture, because he considered it was not food within the meaning of the Act. My hon. friend will see that we are endeavoring to remedy that difficulty which might occur in other things as well as baking powder, by providing that every ingredient for mixing with food or drink is comprised within the term food, and, if adulterated, the

perpetrator is subject to punishment, just the same as if it were bread that was adulterated. We can punish, under this Bill if it become law, every person who adulterates any article which is used in the manufacture of bread, just as we could punish any person who adulterates the loaf itself. I do not presume to say that the judge was wrong in his decision; still the distinction which he made appears to me to be a very fine one. However, we take the most practical way of mastering the difficulty; we come to Parliament and ask them to make clear that which certainly was not clear before, in order to assist us in enforcing this Act.

HON. MR. DICKEY—I quite agree with my hon. friend that the decision given turns upon a very nice point, and I am rather surprised at the judgment, because when the ingredient that has been spoken of is incorporated with the food it really becomes part of the food and is eaten. In view of that and of the tendency to require the utmost strictness in this matter, is this amendment not susceptible of slight improvement. Subsection A of section 1 reads :—

"The expression 'food' includes every article used for food or drink by man or cattle, and every ingredient intended for mixing with the food or drink of man or cattle for any purpose whatsoever."

Would it not be better to say "every ingredient mixed or intended for mixing with the food.' That would prevent any nice distinction.

HON. MR. ABBOTT—I think the judge based his decision upon this distinction, that baking powder was not a nourishing ingredient, but rather something which was intended to have a mechanical action upon the dough of which the bread was made—that is to say, it was not the baking powder the person who consumed the bread would eat, it was the part which was made light by the mechanical action of the powder. Now, "every ingredient mixed with food," I fear, would scarcely be applicable, because after it is mixed with food it passes beyond the purview of the act—it becomes identified with something else; and in that case, if it be food and not merely something which is calculated to produce a mechanical action, it is food, and the food itself becomes an adulterated food. But where we can detect and seize and punish the adulteration, is before it is mixed—when it is prepared or offered for sale to be mixed—it is at that stage we can seize it, and the Minister has taken that view in preparing this clause.

HON. MR. DEVER—I think the leader of the government did not reply to the question of the hon. gentleman from St. Boniface. He asked was there any return made of the number of samples of spirit and wines analysed by the Inland Revenue Department under this law? I repeat the question on the ground that there is a very unjust opinion abroad with reference to drink generally. I am one of those who believe that there is no such thing as adulteration of spirit. I know that the popular cry is that spirit is adulterated. That being the case, I hold that this Department, when it undertakes to examine samples of various kinds of food and drink, should satisfy the public mind as to whether spirit is adulterated or not. If it is a fact we should know it; if it is not it should be announced to the public. I hold that any adulteration that is to be found in spirit, is simply an adulteration, or matter, introduced carelessly, by parties who do not handle it cleanly and nicely—that is the only adulteration found in spirit. I do not know any drug that is cheaper than distilled spirit. I am speaking now in the presence of educated medical gentlemen who are competent to contradict me if I am wrong. I say that there is nothing in the shape of drug, or medicine that will accomplish the object that drink is intended for, which can be as cheaply produced as the article of spirit itself. But as to the making of spirit, I feel that it is the duty of every man who has the knowledge to contradict the false statements that are sent abroad about it being made with drugs.

HON. MR. ABBOTT—I think I answered my hon. friend from Manitoba that there is a carefully prepared report published every year, showing the analysis

of an enormous number of articles made in those districts, giving the exact result in every case. With regard to liquors, I think my hon. friend is not very far wrong when he says that liquors, as a rule, are not adulterated. I have in my hand the report for last year, which, no doubt, my hon. friend has received.

HON. MR. DEVER—No; I never looked at it.

HON. MR. ABBOTT—Then I think my hon. friend should not blame the Government for not making it public to the country.

HON. MR. DEVER—I say that the Department cannot show that spirit is adulterated with anything poisonous.

HON. MR. ABBOTT—The Government analysts say, in this return which I hold in my hand, that in the great ernumber of instances liquors are not adulterated, and it does not pretend to show to the country samples which are adulterated. It is simply a business like report. I find that, as the hon. gentleman says, the adulteration of liquors is very rare. The reports for some of the districts show that there is no adulteration at all in wines and spirits. In Nova Scotia there has been one case found.

HON. MR. DEVER—What is found in it?

HON. MR. ABBOTT—I could not tell my hon. friend the exact substance that was found in it; but out of 22 samples of wines and spirit examined at the office of the public analyst at Halifax, 20 were found pure, one doubtful, and one adulterated, which was a small portion indeed. In the laboratory of New Brunswick, when analyses were made of 18 samples of wines and spirit, none were found adulterated. That is the general result of examinations in a large majority of cases—that there is no adulteration of wines and spirit, and that is a fact which the Government have communicated to the country by circulating in immense numbers those reports.

HON. MR. BOTSFORD—The hon. gentlemen ought to read the blue-book.

HON. MR. DEVER—The hon. gentleman has no necessity to read the blue-book, he knows well all they can put in it, if they tell the truth.

The clause was agreed to.

HON. MR. McINNES, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

THIRD READINGS.

The following Bills were reported from Committee of the Whole, read the third time and passed without debate:—

Bill (87), "An Act to amend the Consolidated Revenue and Audit Act," Chap. 29 of the Revised Statutes of Canada. (Mr. Abbott.)

Bill (48), "An Act further to amend the law respecting procedure in criminal cases." (Mr. Abbott.)

OTTAWA, MORRISBURG & NEW YORK RAILWAY & BRIDGE COMPANY'S BILL.

SECOND READING

HON. MR. READ moved the second reading of Bill (50) "An Act to incorporate the Ottawa, Morrisburg & New York Railway and Bridge Company."

HON. MR. SCOTT—If this Bill brought before us, for the first time, the proposition to build a railway between the city of Ottawa and the State of New York, to cross the St Lawrence at or near Morrisburg, I assume there would be no objection to it. I desire to call the attention of the House to the Bill which in my judgment, is very misleading. It professes to ignore entirely a charter that is still in existence for a company to build a road over exactly the same ground. There is difference in the title in one word. The Company already chartered is a Company authorised to construct a road to be known as the

Ottawa, Waddington and New York Railway and Bridge Company. In this Bill the word Waddington in the title is altered to Morrisbrug. Two years ago the minority proportion of the directors of this Company failed to agree with their co-directors. A proposition was made at a meeting, at which all were not present, to allot to individual directors a large amount of stock. They simply allotted to each other stock for the purpose of voting. It was not professed to be allotted on any consideration, and it was therefore clearly illegal. A meeting of the shareholders was subsequently called, and at this meeting a contention arose as to which stock ought to prevail, the stock which had been formally subscribed and on which ten per cent. had been paid, or the stock which the directors had undertaken to allot to themselves. Scrutineers were elected, and they reported two to one the Board of Directors elected upon the original stock, ignoring entirely the stock allotted by the directors for which no value had been given. That led to a fight in the Company which ought to be settled in the courts of law and not in the high court of Parliament. The promoters of this Bill are the parties who allotted to themselves stock. They failed to obtain possession of the property of the Company, and they now come to Parliament to ask for a new charter, entirely ignoring the existence of the charter now on the statute book; and it is rather curious that while this is advocated on the ground that it is a new company it has no reference to the existing company; whereas in the House of Commons, when the question came up before the Committee, they reported on the Bill as to the notice, the singular comment:—

"The Committee have also examined the petition of the Ottawa, Morrisburg and New York Railway and Bridge Company, for an Act of Incorporation and find that notice was only published in the *Canada Gazette* and one newspaper in the town of Morrisburg."

Of course it runs through several municipalities:—

"But as the petition seeks virtually to revive a lapsed charter, and as the promoters declare that the proposed measure shall not interfere with any vested rights, and it is clearly in the interest of the section of the country, etc., they advise that the rule be suspended."

I have in my hands the charter of the Company, granted first in 1882, and subsequently amended in 1884.

HON. MR. MILLER — Has the petition been before our Standing Orders Committee?

HON. MR. SCOTT—I believe it has, but I am not aware of how they disposed of it. I find that in the Act of 1884, the Company were allowed three years within which to begin, and six years within which to complete their road. That would bring the completion down to the year 1890. This is the first time I have known Parliament to intervene, in effect, and repeal an existing charter on the ground that the work had not been completed before the time limited by the original charter. These parties ought to be relegated to the courts of the country and let the question be decided there. I am unable to see what other ground, except the report read from the Committee, actuated the House of Commons in passing the Bill. Probably the better plan now would be to allow the Bill to take a stage, and the matter can be considered in committee. I thought it my duty to call the attention of hon. gentlemen to the Bill in order that they might understand the importance of the question when it is again returned to the House.

HON. MR. MCCALLUM—Has the Company which has the charter over this ground done anything towards construction?

HON. MR. SCOTT—I am not in a position to confirm or deny it, but there is a statement, I understand, which will be placed before the Committee, in which it is alleged that the sum of $34,490 has been expended in one way or another. A good deal of money has been expended in connection with the plans of the bridge. It is proposed to cross the St. Lawrence River, and it requires the sanction of the Governor in Council before the plan can be adopted by the Company. The first, second and third

plans were condemned ; finally the location was changed and, after a year expired, a bridge plan was approved by the Governor in Council. Then delays took place on the other side, where the sanction of the Government at Washington was required to this bridge plan. Being a bridge connecting the two countries, it was, of course, necessary that the sanction of the Secretary of War should be obtained. In this way more delay took place, and I am informed that a very considerable sum of money has been expended in that way.

HON. MR. MCCALLUM—We adopted this morning charters for free railways over the same ground where another company had expended some $400,000, and I wanted to see what these people, who have the former charter in this case, have done. They have held their charter for years, and now they come here and claim that no other company should get a charter.

HON. MR. SCOTT—The answer to that is that the promoters of the original Bill are promoters largely of this. They have got a charter. I do not approve of their coming to Parliament to get a new charter. They profess to say that their charter has lapsed, and granting a new charter does not affect any other interest.

The motion was agreed to and the Bill was read the second time.

SECOND READING.

Bill (78) "An Act to incorporate the Keystone Fire Insurance Company." (Mr. Botsford.)

ASSINIBOINE RIVER & BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. GIRARD moved the second reading of bill (86) "An Act to authorize the construction of bridges over the Assiniboine River at Winnipeg and Portage La Prairie for railway and passenger purposes."

He said—The title of this bill explains the object of it. The difficulties so long existing between the government of Manitoba and the authorities at Ottawa, respecting the railway monopoly there, is now happily settled, and it will be a matter of gratification to the people of Manitoba to see renewed progress and prosperity returned to that Province. The construction of the Red River Valley Railway and the branch railway from Winnipeg to Portage la Prairie involves the necessity of building bridges one across the Assinniboine at Winnipeg and the other at Portage la Prairie. The work will be done under the supervision and according to plans prepared by the local officer known as the Commissioner of Railways for the Province of Manitoba. The plan, before being adopted, will have to be submitted to the Governor in Council for their approval, and it is well understood that the bridges will be constructed in such a way as not to obstruct the navigation of the river.

The motion was agreed to, and the Bill was read the second time.

MONTREAL ISLAND RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. ABBOTT—In the absence of Hon. Mr. Lacoste, moved concurrence in the amendments proposed by the Select Committee on Railways, Telegraphs and Harbors to Bill (70) "An Act to incorporate the Montreal Island Railway Company."

HON. MR. POWER—There is this singular feature about the amendments that have been made to this bill, that without them the bill is not one that we could have passed, and the Committee on Railways, Telegraphs and Harbors have undertaken, by the amendments which they have proposed, to bring this bill within the jurisdiction of the Parliament of Canada. I think the mere statement of that fact goes to show that this is not a bill which should come here. The British North America Act, in its 91st and 92nd sections under-

takes to point out what subjects shall come respectively within the jurisdiction of the Parliament of Canada and of the Provincial Legislatures; and amongst the matters which are placed within the jurisdiction of the Provincial Legislatures are local public works and works not extending beyond the limits of the Province. This Montreal Island Railway, looked at simply in the light of the provisions of the ninety-second section is purely a local work. It does not extend beyond the Island of Montreal, and it is intended for local purposes. It is a fact, as stated by the Chairman of the Committee in reporting the Bill, that this local railway in going around the Island of Montreal inevitably has to cross the tracks of the Canadian Pacific Railway and the Grand Trunk Railway; and it is contended by the Committee that that fact makes this a work for the general benefit of Canada. Now I think that must be regarded as a very flimsy sort of argument. It is true that this Parliament by an act passed in 1882 undertook to declare that any railway which crosses or connects with the Grand Trunk Railway or Canadian Pacific Railway amongst other Railways, should be held to be a work for the general benefit of Canada; and I admit that, looking at the letter of the British North America Act, Parliament had the power to pass that Act; but I contend that the spirit of the British North America Act is altogether contrary to that legislation. Such a work as the Montreal Island Railway is as local as any work can be; and to say that by simply mentioning in the preamble of the Bill that it is a work for the general benefit of Canada, you can bring it within the jurisdiction of the Dominion Parliament is a great abuse of the letter of the law. I think it is a Bill that comes peculiarly within the jurisdiction of the Legislature of Quebec, and that it ought to be left there.

Hon. Mr. MILLER—Do you think this is the time to raise that objection, after the second reading.

Hon. Mr. POWER—Yes, I think it is an objection which can be raised at any time. It is an objection which might have been raised more properly at an earlier stage and it was raised, but the Bill was allowed to go to the Committee with the understanding that the objection would be discussed later on. I have not the slightest objection to the Bill itself. I know nothing about it, except that it seems to me to be infringing upon the jurisdiction of the Local Legislature, and that we ought to leave the Bill there.

Hon. Mr. DICKEY—When this Bill was before the House on a former occasion, I stated frankly that if it stood upon its merits, without any mention regarding the situation of it, I would consider it a purely local railway, for the reason that it was a railway confined to the Island of Montreal, but I added further that the Committee found it necessary to make this amendment, otherwise the Act could not have been passed at all, and why was that amendment made? I will state the reason why. It was rendered necessary by the legislation which is on our statute book—section 120 of the Railway Act provides distinctly that the Intercolonial Railway, the Grand Trunk Railway, the Canadian Pacific Railway and several others are hereby declared to be works for the general advantage of Canada, and each and every branch line of railway, now or hereafter connecting with or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada. Then it goes on to provide that every such branch line shall hereafter be subject to the authority of the Parliament of Canada. The reason of that is perfectly obvious—that a railway crossing two of our great intercolonial arteries would not be subject to the legislation of this Parliament unless it was declared to be a work for the general advantage of Canada and was brought within the purview of our legislation, apart from the section of the Confederation Act which my hon. friend from Halifax cited, because these local works confined to the Provinces are local railways, and it is only when they are declared to be railways for the benefit of Canada that they come within our jurisdiction. The preamble of the Bill was inconsistent with the enacting clause.

The enacting clause declared it to be not only a work for the general advantage of Canada, but it gave the Company authority to cross the tracks of the Grand Trunk Railway and the Canadian Pacific Railway. In what position would the railway be, and in what position would the public be as regards their protection, if this were treated simply as a local railway? This House would have no control over it, unless it was declared a work for the general advantage of Canada. It was necessary, for this obvious reason, that when it crossed these railways, this Parliament should have control over it to see that life and property were protected so that there should be no such things as collisions, and that our control should be kept over that line which thus crosses those two great railways, which are particularly mentioned in the Railway Act. It was because this section of the Railway Act had previously declared that any local line must inevitably be so if it connected with or crossed either of these lines, that this becomes a work for the general advantage of Canada. In this instance, this island railway crosses both lines, and therefore it became absolutely necessary that, if this Bill was passed and received its second reading, the line should become a work for the general advantage of Canada, and have power to connect with or cross these lines; strange to say, the Bill did not state the fact that the application was that it should be treated as a work for the general advantage of Canada, so the amendment was made.

Hon. Mr. ABBOTT—My hon. friend who has just spoken has made the fact clear that this is a Bill which, under our system, comes within the jurisdiction of the Dominion Parliament, because it crosses the Canadian Pacific Railway and the Grand Trunk Railway, two railways referred to in the section of the Railway Act that has been cited. If it had not, it would have been quite competent for the Dominion Parliament to bring it within the jurisdiction of the Dominion by declaring it to be a railway for the advantage of Canada, even if it did not cross those lines, but in this instance there has been no assumption of jurisdiction by the insertion of those words, since by the law it does come within our jurisdiction. It is a good deal the fashion nowadays to insist that the Dominion Parliament has too much power and the local legislatures not enough. I like the constitution as it stands very well. I think the division between the two jurisdictions, if a little better defined, is in principle a good one, and I do not approve of any provision of the constitution more than I do of this one, as adapted by our Railway Act, which requires that when a local railway crosses or connects with any one of those great Dominion railways it brings itself within the jurisdiction of the Dominion, and for this reason we have in our Railway Act, and we propose to lay before this House shortly a bill elaborating and improving it, a complete system of law for the regulating of traffic on railways, for the regulation of their rights and the rights of the public, and if we did not place small railways which crossed these great arteries under the jurisdiction of this Parliament, we should have this curious anomaly that we would have one line of railway regulated as to traffic and as to its obligations to other railways, and as to all the details of its management, by the Government of the Dominion, while the railway connecting with it and crossing it, and exchanging business with it probably every day, would be regulated by an entirely different system of laws. Its obligations towards our railways might be different to any degree imaginable. Its obligations towards the public might be different. The nature of its transactions in exchanging traffic with other lines, or in connecting with other lines, might all be different. Now that, I conceive, especially with respect to railways, is a state of things which ought not to exist. The working of railways and the carrying of traffic is dangerous to life, managed as you will, and dangerous to property and it would be very unfortunate if the chance of difficulties of many descriptions, in addition to the danger to life and property, were to be increased by placing two railways crossing each other under two entirely different jurisdictions and two entirely different systems of laws. I think, in

this respect, the provisions of the Railway Act are very judicious.

The motion was agreed to, and the Bill was read the third time and passed.

BILLS INTRODUCED.

Bill (72) "An Act to incorporate the New York, St. Lawrence and Ottawa Railway Company." (Mr. MacCallum.)

Bill (84) "An Act respecting the Thousand Islands Railway Company." (Mr. Read.)

The Senate adjourned at 5:45 p.m.

THE SENATE

Ottawa, Thursday, May 3rd, 1888.

THE SPEAKER took the chair at 3 o'clock p.m.

Prayers and routine proceedings.

HYDRAULIC LEASES AT OTTAWA.

MOTION.

HON. MR. CLEMOW moved—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House, a statement showing names of all lessees of hydraulic water lots at the Chaudiere Falls, Ottawa, with copy of leases, the date of issue and conditions thereof, and the term of years granted, with rate payable therefor per annum or otherwise.

If any of said leases have expired, and, if so, whether they have been renewed, and upon what terms, and for what extended period of time.

Likewise statement showing amounts outstanding and due, with the names of lessees so in default, and the cause assigned therefor. Also any correspondence with the several lessees in reference to such default, as well as any correspondence or instructions issued for compelling the payment thereof by legal process, and copy of all reports from the Department of Inland Revenue as to the cause why such arrears have been allowed so long to remain uncollected.

The motion was agreed to.

DEFECTIVE LETTERS PATENT BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (4) "An Act to amend the Act respecting Defective Letters Patent and the Discharge of Securities to the Crown."

He said:—The little hitch which occurred yesterday in regard to this Bill was caused by my want of information on the subject, for which no one but myself is to blame. The Act to which I referred in the discussion, and on which the discussion arose, was an Act of the Dominion of Canada, which provided that since Confederation precisely the rule which is embodied in this Bill should obtain with regard to those bonds. The effect of this Bill, therefore, will only be to discharge the lien created by registration previous to Confederation The law of Ontario has been amended, and there is an Act upon the statute book which provides that since 1866 the rights and claims of the Crown shall be similar to those of subject against subject; but the law which prevailed before 1866 gave a privilege upon registration of these bonds, which privilege ceased to exist after the passage of 29 and 30, Victoria, the Act which is mentioned for repeal in the table of the consolidators of the law, which I mentioned yesterday, but whether it be repealed or not, it has no bearing on the particular subject matter of this Bill.

The motion was agreed to, and the Bill was read the third time, as amended, and passed.

ST. CATHARINES & NIAGARA CENTRAL RAILWAY BILL.

SECOND READING.

HON. MR. MACCALLUM moved the second reading of Bill (61) "An Act to incorporate the St. Catharines and Niagara Central Railway Company."

He said :—This Bill is to amend the charter of this company. They have built about twelve miles of the road, and this amendment to their charter is to enable them better to carry on the work of construction.

The motion was agreed, to and the Bill was read the second time.

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Friday May 4th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings

THIRD READINGS.

Bill (31) " An Act to incorporate the River Detroit Winter Railway Bridge Company." (Mr. Sanford)

Bill (62) " An Act to incorporate the Grenville International Bridge Company." (Mr. McKindsey)

ANNAPOLIS ALANTIC RAILWAY COMPANY'S BILL,

THIRD READING.

HON. MR. DICKEY from the Committee on Railways, Telegraphs and Harbours, reported Bill (82) " An Act incorporate the Annapolis Atlantic Railway Company," with amendments.

He said—I may explain with regard to these amendments, that the first one is to reduce the capital stock from the amount mentioned in the Bill ($2,000,000) to $1,000,000. This was placed in the Bill under a misapprehension as to the requirements of the Company, and I see no objection to this amendment. The next amendment is one which was necessary to make the clause conformable to the other, by similarly reducing the amount of paid up capital to a proportion which would bring it into harmony with the reduction in the stock of the Company. I see no objection to the amendments, as they only ask for this amount of capital, and under the circumstances, the amendments may be concurred in without delay.

HON. MR. MILLER, in the absence of Hon. Mr. Boyd, moved that the amendments be occurred in.

The motion was agreed to, and the Bill, as amended, was read the third time and passed.

BUFFALO, CHIPPAWA AND NIAGARA FALLS STEAMBOAT AND TRAMWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (67) " An Act to incorporate the Buffalo, Chippawa and Niagara Falls Steamboat and Tramway Company " with amendments.

He said—I may explain that these amounts are rendered necessary in order to prevent this Company from having power to take any portion of the park which is now well known to the country as the Queen Victoria Niagara Falls Park. In order to prevent such a desecration of what may be called, not merely an international undertaking, but one which certainly commends itself to the sympathy and support of every person in this Dominion, it was absolutely necessary, as there might be a doubt, under the language of the Act which gave very extensive powers, whether they could expropriate any part of the Park to make that plain. It has been so made plain by the proviso introduced into this bill. After being introduced, the amendment met with the support of the promoter of the bill, in order to protect that property which, although it belongs to Ontario, may be considered in every extent and for every purpose international property. An amendment is therefore made to this bill to protect any part of it from expropriation. That is the sole object of this

amendment, and I think it ought to meet with the concurrence of the House.

HON. MR. MACDONALD (Midland) moved that the amendments be concurred in.

The motion was agreed to and the bill as amended was read the third time and passed.

BILLS ASSENTED TO.

HONORABLE SIR WILLIAM JOHNSTONE RITCHIE, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated on the Throne.

THE SPEAKER commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons, and acquaint that House "It is the Deputy Governor's desire that they attend him immediately in this House,"

Who being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the Bills to be passed severally as follows :—

An Act respecting the Port Arthur, Duluth and Western Railway.

An Act to incorporate the Canada and Michigan Tunnel Company.

An Act respecting the Southern Railway Company and Erie and Niagara Railway Company.

An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company.

An Act respecting Bonds on Branch Lines of the Canadian Pacific Railway Company.

An Act to amend the Act incorporating the Shuswap and Okanagon Railway Company.

An Act respecting the Grand Trunk Railway Company of Canada.

An Act to enable the Esquimalt and Nanaimo Railway Company to run a ferry between Beecher Bay, in British Columbia, and a point on the Straits of Fuca within the United States of America.

An Act respecting the South Norfolk Railway Company.

An Act to amend the Act incorporating the Hereford Branch Railway Company, and to change the name of the company to the Hereford Railway Company.

An Act respecting the Lake Nipissing and James' Bay Railway Company.

An Act to incorporate the Collingwood and Bay of Quinte Railway Company.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

An Act to incorporate the Western Ontario Railway Company.

An Act to incorporate the Pontiac and Renfrew Railway Company.

An Act to confirm a certain Agreement made between the London and South-Eastern Railway Company and the Canada Southern Railway Company.

An Act to incorporate the St. Lawrence and Adirondack Railway Company.

An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company and the London and Port Stanley Railway Company.

An Act to reduce the Capital Stock of La Banque Nationale.

An Act to incorporate the Chinook Belt and Peace River Railway Company.

An Act to amend the Act to incorporate the Kincardine and Teeswater Railway Company.

An Act to incorporate the Ottawa and Parry Sound Railway Company.

An Act to amend the Act relating to the Manitoba and North-Western Railway Company of Canada.

An Act to amend the Act to incorporate the Moncton Harbor Improvement Company.

An Act respecting a certain Treaty between Her Britannic Majesty and the President of the United States.

An Act to amend the Revised Statutes of Canada, Chapter one hundred and eighty-one, respecting Punishments, Pardons and Commutation of Sentences.

An Act to amend the Adulteration Act, Chapter one hunddred and seven of the Revised Statutes of Canada.

An Act to amend the Consolidated Revenue and Audit Act, Chapter twenty-nine of the Revised Statutes of Canada.

An Act further to amend the Law respecting Procedure in Criminal Cases.

To these Bills the Royal Assent was pronounced by the clerk of this House in the words following :—"In Her Majestry's name, His Honor the Deputy of His Excellency the Governor General doth assent to these Bills."

The Deputy Governor was pleased to retire, and the House of Commons withdrew.

BILLS INTRODUCED.

Bill (60) "An Act to amend Chap. 7 of the Revised Statutes respecting the Department of Public Printing and Stationery." (Mr. Abbott.)

Bill (108) "An Act respecting the advertising of counterfeit money." (Mr. Abbott.)

Bill (20) "An Act relating to the Upper Ottawa Improvement Company." (Mr. Haythorne.)

Bill (102) "An Act respecting the Central Ontario Railway." (Mr. McKindsey.)

The Senate adjourned at 4:05 o'clock.

THE SENATE.

Ottawa, Monday, May 7th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

MORRISON DIVORCE BILL.

HON. MR. DICKEY, from the Select Committee on Divorce, reported Bill (H) "An Act for the relief of Catherine Morrison," with certain amendments.

He said—I may explain that the amendment is the addition of a clause giving the custody of the child to the mother, the Petitioner, to make the Bill in accordance with the petition, the preamble and the evidence. It would be a cruel thing to refuse the mother the custody of her child, seeing that the husband is a man of bad habits, and is actually in the Penitentiary for bigamy.

HON. MR. MCKINDSEY—The evidence in this matter has not yet been published or distributed, and I suppose from the recent decision of the House you will not allow me to have the report adopted to-day. I would therefore move that it be taken into consideration on Wednesday next.

The motion was agreed to.

DOMINION PLATE GLASS INSURANCE COMPANY'S BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Banking and Commerce, reported Bill (32), "An Act to incorporate the Dominion Plate Glass Insurance Company," with certain amendments.

He said—In explaining the amendments made by the Committee to this Bill, I have only to observe that it was thought desirable that the amount which was required to be paid in as capital before the Company commenced business, shall be deposited in one of the chartered banks, which is the ordinary provision in such Bills. Further, that the notice required to be given to shareholders, instead of being merely by circular, shall be by registered letter addressed according to the addresses in the stock books in the Company. Another alteration is that the word "five" should be changed to "ten," that is, that the shareholder shall have held ten shares to qualify him for the position of director. These are the only alterations made in the Bill.

HON. MR. POWER moved that the amendments be concurred in.

The motion was agreed to and the amendments were concurred in.

HON. MR. POWER moved the third reading of the Bill as amended.

The motion was agreed to and the Bill was read the third time and passed.

KEYSTONE FIRE INSURANCE COMPANY'S BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Banking and Commerce, reported Bill (78) "An Act to incorporate the Keystone Fire Insurance Company," with certain amendments.

He said:—I might explain that the amendments are precisely similar in

character to those which have been agreed to in the other Bill with reference to the depositing of money in a chartered bank and notice being given by registered letter, instead of by circular, and doubling the qualification of directors.

HON. MR. BOTSFORD moved that the amendments be concurred in.

The motion was agreed to and the Bill was read the third time and passed.

MILL REFUSE IN THE RIVER OTTAWA.

MOTION AND INQUIRY.

HON. MR. CLEMOW moved

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Report of H. A. Gray, Esq., Civil Engineer, who was appointed to ascertain the position of the Ottawa River in reference to sawdust and slabs that have been allowed to be deposited in that river from the mills at the Chaudiere and elsewhere.

Whether it is the intention of the Government to adopt such steps as may be deemed necessary to prevent the obstruction of the said river in the future, by prohibiting the depositing of sawdust, slabs or mill refuse, so that no further damage may be sustained in that respect to the navigation of that important river and to the health of adjoining localities?

He said—The information sought to be obtained by this motion is important in several respects. As you are aware, there is at present a Statute prohibiting the depositing of slabs, sawdust or other mill refuse in the rivers of this country. For some unexplained reason, the saw-mills at the Chaudiere at this city are exempt from the operation of that Act. For many years large quantities of saw-dust and mill refuse have been deposited in the Ottawa and have caused that river to become almost unnavigable. In consequence of this being reported to the Government, they appointed a gentleman last year to make a thorough examination of the river, and I am desirous of obtaining the result of that examination in order to ascertain whether the river is as bad as has been reported. It is stated that there is a depth of thirty to sixty feet of slabs and saw-dust and mill refuse in the different bays of the Ottawa River, and these deposits of course are very serious obstructions to the navigation. In addition to that, it is detrimental to the health of the people in this neighborhood. Last year, owing to the decomposition of these immense banks of saw-dust and refuse, disease was very prevalent here, and I think it is one great reason why steps should be taken to remove these obstructions from the river. It will cost the Government, even now, a very large sum of money to dredge the Ottawa and make it navigable in the future. I know myself that for years past barges drawing from three to four feet of water could hardly ascend from the foot of the locks into the canal basin owing to the accummulation of this mill refuse in the river. Therefore I think it is high time that steps should be taken to prevent the recurrence of this nuisance in future. I thought it my duty to place this notice on the paper in order to bring the matter under the consideration of the government. I may add that these accumulations of saw dust have had the effect of totally destroying the fish in the Ottawa. When I first came here forty years ago, there was abundance of fish in the Ottawa river: the fish have now entirely disappeared. While we are endeavoring in the Lower Provinces, to protect our fisheries, we certainly are doing quite the contrary in this section of the country, because the throwing of these large quantities of mill refuse into the river is certainly annihiliating the fish in the Ottawa. I am sorry that my hon. friend, Mr. Scott, is not present because I feel satisfied that if he were here he would second this motion.

HON. MR. ABBOTT—My hon. friend has put upon the paper a combined notice—notice of motion for an address and notice for a question, both comprised under the same head. I only call his attention to that; it is a little ir-

regularity of which no one desires to take advantage. With regard to the report of Mr. Gray, he is a subordinate official of the Department and he has made a report to the Chief Engineer, who has obtained other information besides that contained in Mr. Gray's report, and is preparing a careful report on the whole subject. The Government have been giving very careful attention to this matter, and think it of too much importance to be left entirely to the report of an official. They think it deserving of an enquiry by competent persons, with power to take what evidence may be required in that respect. For that purpose they have determined to ask this House to appoint a Committee of its own members, skilled in such matters, as far as may be practicable to enquire into the effect of the desposit of slabs and sawdust in the river and report on it to the House. I may tell my hon. friend that the law is amply sufficient for the prevention of such deposits. There has been some relaxation for a long time past under an Order in Council, because a good many difficulties exist in Ottawa as to the disposal of sawdust. Where timber is sawn by steam power the mills consume the sawdust and most mills have facilities for depositing it in the neighborhood without incurring any great expense, but the Chaudiere Mills are peculiarly situated. They have no means of burning the mill refuse nor have they any place which can be reached without considerable expense, where sawdust can be deposited. However these facts only show that there are difficulties to be considered as well as the question of removing the evils which exist. I shall move for the appointment of a Committee to enquire into the matter.

HON. MR. ALEXANDER—I think we have reason to congratulate ourselves that we have now one competent to lead the House—a gentleman who feels the responsibility of his position as a member of the Government. The country and this House will thank my hon. friend from Ottawa for bringing up this subject. We have all felt for a long time that there is no reason why the lumbermen, or those who run the mills of the country, should not burn their slabs and sawdust. It is not reasonable that our enterprising lumbermen should make all the money they can out of lumber, just as the grocers do out of their business, and throw the refuse into the rivers? Why should the lumbermen not be required to burn all their sawdust. As an old farmer of the country, I burned up all the refuse on my farm: why should not the lumbermen burn all the refuse which they create? No one knows better than my hon. friend from Ottawa that this grievance is a matter that the Government ought to have dealt with long ago, but they are too much occupied in studying how to retain power, instead of devoting their time and attention as they ought to the great interests of the country. Their time is too much taken up in considering how to manipulate constituencies and keep themselves in power, while they are neglecting the great interests of the country.

HON. MR. BOTSFORD—What has that got to do with the question?

HON. MR. ALEXANDER—The poor old gentleman from Sackville, who is nearing the portals of the grave, as I am, is always ready to support that which is wrong—always ready to raise his poor voice, not knowing how soon he may be called to render an account elsewhere—goes on to the end in his old way. God help him! The health of Ottawa, of Montreal, and of all the cities along our rivers, depends upon our preserving the waters of the river pure. Yet, the venerable Senator——

HON. GENTLEMEN—Order, order.

HON. MR. ALEXANDER—I pity him: Like the senior member for Halifax and the hon. gentleman from Ottawa (Mr. Scott) who spoke about hallucinations when, in the interests of the people, a humble member of this House, called attention to wrong doing. Such members will crop up to prevent responsible members from doing their duty in Parliament. The hon. gentleman from Sackville does not seem to feel the re-

sponsibility of his position. There is no excuse for the saw mill owners not burning their sawdust.

HON. MR. SCOTT—I was very glad to hear, as I was entering the Chamber, that the leader of the Government was about to bring this matter to our notice to-morrow by naming a Committee to enquire into it. It must be apparent that year by year the Ottawa River is being filled up, not alone in the vicinity of the city, but at points distant 40 or 50 miles from Ottawa, where the bays are being gradually closed up by the saw dust. The swift current in the spring of the year is insufficient to remove the large deposit of saw dust and rubbish which accmulates during the summer season. We are quite aware that it is a very large interest that is affected by this subject, and as the saw mills are now constructed there may be a good deal of difficulty in getting rid of the saw dust in any other way than by throwing it into the river. On the other hand, it must be apparent that the large profits derivable from the lumbering industry will amply justify such a change in the construction of the mills if necessary, and warrant a very considerable expense being incurred in order to get rid of this mill rubbish without allowing it to go into the river. The public interests are largely affected by the practice that has being going on for years; and it will no doubt cost a large sum of money to place the Ottawa River in the condition it was before saw-dust, slabs, and rubbish were thrown into it, from the saw-mills. I am glad to hear that the hon. gentleman is going to have a Committee appointed, and I trust that it will have a good result.

HON. MR. ALMON—I am glad to hear that the saw-dust nuisance is likely to be inquired into. I notice that the sausages one gets all through Ontario have a peculiar dryness about them, which, when I have enquired the reason why they are so different from the succulent sausages we get in the Lower Provinces, I am told is attributed to the sawdust. If the sawdust nuisance can be abolished, it will be a great advantage to the people of Ottawa.

HON. MR. ABBOTT — After my explanation, I presume the hon. gentleman will not persist in his motion.

HON. MR. CLEMOW—After the explanation of the leader of the House, of course I shall withdraw it with the consent of the House.

The motion was withdrawn.

EMPLOYMENT OF A. F. WOOD.

INQUIRY

HON. MR. FLINT inquired

of the Government whether A. F. Wood, Esquire, of Madoc, is still employed by the Department of Railways and Canals as valuator or arbitrator on the Murray Canal or on the Trent Valley Canal, and whether he is still to be employed in said capacities at a large outlay of monies for services and other expenses?

He said—It may be remembered that last session I moved for a return of the expenses paid to A. F. Wood in connection with his employment on the Murray canal. I asked for it in detail, and my reason for so doing was, from what I have learned, I supposed he had received a larger amount of money than he should have done for the month of November, 1886. It appears that this return, instead of coming down to 1886, stops in 1883, sometime about September; consequently there was nothing for 1886. This led me to inquire, and I again asked for further information in reference to the Trent Valley Canal. I found out that there was something in connection with that, and I at last obtained it, having been requested to do so by some gentlemen in connection with the place where Mr. Wood resides, I have taken the pains to look into the matter, so far as the figures are concerned, myself, and I find that at the time Mr. Wood was employed, the 24th of August, 1882, on the Murray canal, that he had remuneration of $10 per day and travelling and hotel expenses each day for the term actually employed. I find that in 1882 and 1883, Mr. Wood received (according to the vouchers sent in) $711.30, as expenses on the Murray Canal, and he puts in thirty-nine days at

$3 per day hotel expenses, which surprised me from the fact that in our part of the country the highest hotel rate is $2 per day; and very few of them charge more than $1 per day. I do not know of any hotel in the district, except it be at Brighton or at Trenton, that charges more than $1 per day. For other expenses he put in the balance. This amounts, between salary and expenses—to thirteen dollars and sixty-eight cents per day for fifty-two days. Having found out that the return was not as complete as it should be, I made an application to the House for a further statement, and having obtained it I found that it was for the same date, and that the total amount paid Mr. Wood up to January 1st, from the time he was appointed, I found he had received $8,889.90. Putting the two sums together, it made over $9,001.20 paid to this gentleman in five years and two months, during which time he professed to be employed upon those two canals. I think it is a very large sum for anyone to get under the circumstances, considering the fact (I have it on good authority) that he expended only some five days altogether out of the village of Madoc in November, 1886, for $218.55. It seems to me that while this gentleman was at home attending to his own business, it is a very large amount of money to receive from the Government for the small amount of service he had rendered to the public. From the date of his appointment to the first of January last, five years and two months, it is equal to $154.85 per month, or just $5.95 per day during that period, during which he was only employed at short intervals. I may state also with reference to this matter that Mr. Wood is a member of the Ontario Legislature, and has received during that time some $4,000 as indemnity for attending the Sessions of the Legislature. Putting the whole together, it will make $8.44 per day for 312 working days, or $219.37 per month, or $2,632.48 per year. I may state further that Mr. Wood is a Justice of the Peace, and does a large amount of magisterial business, for which he gets well paid. Mr. Wood is also agent for one of those loan companies in Toronto, and receives a considerable sum for that. He is also a grain buyer, and speculates in grain; so that, taking it altogether, he is making a pretty good thing out of the whole, and particularly out of the Government. There is something very strange about it to my mind.

HON. MR. McCALLUM—Is he a Tory or Grit?

HON. MR. FLINT—He has been both.

HON. MR. McCALLUM—Like a good many others, he belongs to the Party of Purity.

HON. MR. FLINT—I think this gentleman is about fit to belong to the party of purity, if there is one. In 1882 he received from the Trent Valley Canal $711.30. It strikes me that taking everything into consideration there is something wrong in connection with this large amount of money which is paid over to this gentleman. I do not come before you with any personal feeling against Mr. Wood, but merely to satisfy those of his constituents who have asked me to look into this matter. I think it is about high time that the Government should look into this matter and see if there is something wrong which should be remedied. We are paying out too much of the money of the country for such slight service. It is not Mr. Wood alone but there is another gentleman performing these services and if he is paid at the same rate, it will amount to something like $19,000 during the past five years for the Murray and Trent Valley Canals, and I would not give much for either of them. I am quite satisfied to leave the matter with the Government. My object has been to bring it to the notice of the Government and leave it to them to make such calculations and reductions as they please, and also to see if something cannot be done in reference to this matter and save such a large expense for the purpose of supporting those two gentlemen and this one in particular.

HON. MR. ABBOTT—In answer to my hon. friend, I have to say that this gentleman is still employed as a valuator

on those canals and he has reported to the Department and the Department reports him to be a valuable and useful officer, quite entitled to proper remuneration for his services. I may say, however, that my hon. friend appears to make out a case against this gentleman requiring further enquiry, and I shall call the attention of my colleague at the head of that Department to the remarks which my hon. friend has made, as soon as the official report is published. It certainly will lead to enquiry, I promise my hon. friend.

BILL INTRODUCED.

Bill (N) "An Act to amend the Dominion Lands Act." (Mr. Abbott.)

THE GREAT MACKENZIE BASIN.

THIRD REPORT ADOPTED.

The Order of the day having been called.

Consideration of the Third Report of the Select Committee appointed to examine and report as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky Mountains and west of Hudson Bay, comprising the Great Mackenzie Basin—its extent of navigable rivers, lakes and sea coast, of agricultural and pastoral lands, its fisheries, forests and mines.

HON. MR. SCHULTZ—In moving the adoption of the Report, I have very little to add to the report itself except to bear testimony as Chairman of the Committee, to the zeal and energy of my colleagues comprising it. Our sessions were held almost daily, sometimes indeed twice a day. Although all of our members belonged to one or other of several of the Standing Committees of the House, and some hon. gentlemen were Chairmen of these Committees, yet I can truthfully say that everyone gave what time he could to the investigation, and honorable gentlemen especially from the east and west coasts contributed materially by their information, advice and suggestions to whatever measure of success the Committee has attained in carrying out the instructions of the House.

Having said this much regarding my colleagues on the committee, I now desire to say regarding myself that I shall always feel regret for any action of mine which may have induced this honorable House to appoint such a committee if this report, which seems to have attracted much attention, leads to any hasty action on the part of the people of this country. That the Mackenzie Basin is a region of great resources, of vast possibilities, no one, I think, who will read the evidence submitted with the report last week, will be inclined to doubt; and yet I would regret any attempt to colonize any portion of this vast region until the prairie region to the south and the province of Manitoba shall have a very much larger population than at present. I would feel averse to the granting of any considerable portion of this rich domain to aid new railways, and I deprecate the granting of new railway charters at present with that end in view. It is sufficient I think, in the meantime to protect its present natural resources and leave the development of the country at least till after scientific exploration has fully determined the extent and value of its mineral and other resources, and experiment shall have determined the kind of craft best suited for the navigation of its sea coast and its great rivers and lakes. Immediate efforts should be made, I think, to ascertain the depth of these rich petroleum deposits below their surface indications. Action should, I think, also be taken to prevent if possible the use of poisonous baits for fur-bearing animals, and prevent the annihilation of certain kinds which have a large commercial value and are easy of capture. These measures, with the inspection of the different mouths of the Mackenzie River, and the obtaining of more information regarding the salmon fishing of the region, seem to me, with more information regarding our whale, seal, walrus and porpoise fisheries, the most prominent matters for immediate consideration.

Some important points have been necessarily overlooked in the preparation of a Report which treats of so vast a territory, and one of these is the question of the air and sea currents as affecting the climate of a portion of the Macken-

zie Basin. At least three important statements of fact have been inadvertently omitted in the Report which have been ascertained by the evidence; these are, the rain-fall, the snow-fall and the temperature of the great volume of water from the south discharged by the Mackenzie into the Arctic Sea, as affecting the navigation of the adjacent sea coasts Treating these in the order of the last, first, I believe the evidence will bear me out, when printed, in the statement that some leagues out at sea the temperature of the water of the Mackenzie, mixed as it must have been at that distance out with sea-water seventeen to twenty degrees (Fahrenheit) warmer than the Polar Sea water not so affected. The evidence also, I think, will bear out the fact that throughout the valleys of the Athabasca, Peace, Hay, Great Slave Lake, Liard and Mackenzie Rivers, the rain-fall is ample for vegetation and evenly distributed during June, July and August, the three growing months. As regards the snow–fall the evidence has been more or less of a surprise to the members of the Committee; high up the Peace River it is less than at Toronto, while as far north as Great Slave Lake, it does not exceed that of St. Paul or Ottawa, and is proportionately less further south. As regards the question of the influence of air and sea currents on the climate of the basin, the scientific witnesses differ from each other regarding the causes of those currents, but agree as to their effect on the climate, and it is noticeable that every resident of the district mentions the south-west as the prevailing summer wind. This air current is called, a little further to the south of the Mackenzie Basin, the "chinook wind" and it would seem to as certainly modify the climate of the north and extreme north, as does the Japanese current give a temperature of twenty to thirty degrees (Fahrenheit) higher to the water of the Pacific sea coast above that of the Atlantic sea coast of the Dominion on the same parallel of latitude.

Honorable gentlemen will have observed that the report refers them to the evidence itself for information regarding many other points of interest connected with the Mackenzie Basin, but as that evidence is not yet in print it may be convenient to briefly touch upon a few of the subjects which have not been alluded to in the report.

For instance, I have already stated that while the causes of the ocean and air currents which affect the climate of the region are differently given, yet all parties agree as to the effects produced by these winds, and one high authority stated that an important factor in the degree of heat, which certainly extends far down the Mackenzie Valley, has in great part its source in the American desert, lying to the south and south-west. He assumes that the air currents are there super-heated and naturally seek a northward and a northeast direction, just in the same way as super-heated sea water in the Gulf of Mexico produces the Gulf Stream whose effects are well known to modify the climate of the British Islands and the west coast of the European continent, and the super-heated water of the Pacific in the China sea produces the Japanese current, which modifying the climate of the southern portion of that Empire strikes our western and northwestern shores, modifying its climate, just as the Atlantic current does on the west shore of Europe. The same authority states that this caldron of super-heated air, produced by the sands of the great American desert, is also the cause of the hurricanes in summer and indirectly the cause of blizzards in winter, which prove so destructive to human life and the labor of the husbandman and artizan along that highest watershed on the continent, lying between the waters of the Missouri flowing south, and the waters of the Saskatchewan and Assiniboine ultimately flowing north, and makes its track so devastating in Montana, Dakota and Minnesota. And it is worthy of note that the tenor of all the evidence obtained by the Committee shows an utter absence of summer severe storms, and in great measure of winter storms in the Mackenzie Basin. As regards the causes of the sea currents, the Committee has not thought proper to express an opinion, it being sufficient for the objects sought by them to ascertain the fact that not only is the temperature of the water of the west coast of Canada much higher

than that of the east, but that the temperature of a considerable portion of the Arctic coast in the neighborhood of the mouth of the Mackenzie is also affected to a very considerable degree.

Some idea of the extent of the fur trade of the Mackenzie Basin has been attempted to be conveyed by the report, but it must be remembered that the list therein only comprises rich furs of comparatively light weight, and the reason of this lies in the fact that many other articles of trade with the Indians are not encouraged, because the cost of transportation of the trading goods necessary, to far distant ports on the lower Mackenzie, is very considerable, and many of the articles which the Indians have for trading purposes are too heavy to admit of the long transit back again to their shipping point at York Factory or Winnipeg. These articles include what might be bought from the Esquimaux, viz., whale oil, seal oil, porpoise oil, the tusks of the walrus and narwhal, which I am told furnishes the finest of ivory, specimens of which are lying in the committee room for inspection by hon. gentlemen; whalebone, spermaceti, and other whale products, and the antidiluvian ivory sometimes dug out on the frozen coasts; all of which articles would immediately become commercial products, were supplies sent in to the head of Great Bear Lake, the Lower Mackenzie and at other places on the Arctic coast by ship from Behring Straits and sea. And it must be remembered that few of the great rivers of the world afford such a continuous stretch of deep water navigation as the Mackenzie, as was stated by witnesses and embodied in the report—the navigation reaching into the very heart of this rich fur country, and tapping coal, lignite, sulphur, salt and petroleum deposits of enormous value. The opening up of this vast region either from the north by steamers or from the south by railways is a matter which in my opinion should not be hurriedly entered into without a very serious consideration of its probable results, and not at all until we know more definitely by scientific exploration, exactly what the country contains. For instance competition might offer inducements to the Indians of the region that might threaten the extinction of some kinds of fur-bearing animals, many species being more easily captured than others, and in the general interest of Canada, and indeed of the world itself, whose last fur preserve this region is, it should be our object to endeavor to prevent such a catastrophe. Therefore I believe that it will be expedient for the Government to make the right of trading in certain districts a matter of revenue to themselves. This could be done by leasing certain trading areas not required for other purposes, say for instance the barren grounds, which in addition to being the special home of the reindeer and musk ox, is also, from the number of lakes and streams and the fish they contain, the favorite haunt of the otter and mink, and such other fur-bearing animals as seek their prey upon the banks or in the waters of lakes and streams. The beaver necessarily is only found in lakes, streams and wooded districts, but the northern and eastern portion of this wooded area will not be required for many years, and a tract of 200,000 square miles might, with judicious limitation of the number to be annually taken, reserved for this peaceful and busy animal which has the good fortune to be Canada's emblem, but has the misfortune to have a very rich fur covering and juicy flesh of delicious flavor to an Indian's palate.

The wood buffalo should be preserved as far as it is possible to do so without interfering with the Indians of the district, who, not having been yet treated with and not in receipt so far as I know of any gratuity from the Government, would be jealous of any interference in the right of capturing when they can. Fortunately for the wood buffalo, unlike his former prairie brother, he is not easily found, from the difference in his habitation, and when found is by no means an easy prey, inasmuch as with his powerful frame and straighter horns he forces his way through the thick undergrowth of the region in which he lives, faster than a horse can follow him, and much faster than an Indian on foot. And it will be acknowledged by hon. gentlemen, I think, that few of them have ever seen a specimen of his robe; even I, who for twenty-eight years past have known of his exist-

ence have never seen more than half a dozen skins. Evidence given before the Committee goes to show that if this species can be crossed with the domestic cow in the same manner, as Major Bedson's experiment of the prairie buffalo cross has done, no cattle would be better for the pastoral area of the great Mackenzie Basin, inasmuch as his flesh is quite as good as that of domestic cattle, while the necessity for winter stabling would in a great measure, if not entirely, be done away with. Again, so far as I know he is the only remains of a species now almost extinct in the world, and it behooves our rulers, in my opinion, to take into serious consideration any measure which may in a year or two be possible for their protection, preservation and increase.

In reverting again for a moment to the great question of the furs of that country; this unlike its other resources, is a present wealth, requiring no development, for development might possibly mean the destruction of some of the species, which should be protected if we are to enjoy the benefit of this great possession and, as I said before, to make it a source of revenue to the country. Now it is incidentally given in evidence that the United States derives a revenue of about $600,000 yearly from the amount paid by the Alaskan Seal Company, and by its revenues from timber, gold, and, I believe, fish, although I am not quite sure as to this last item. As I said before, it is given in evidence that $600,000 of revenue is derived from a domain which cost the American Government $7,200,000 some years ago. This is a very fair interest upon the investment. In our own fur country, we have an area many times as great, and in its possible products, except in the case of the sea otter and South sea or fur seal, very many times greater, and in my opinion we too should reap a revenue from that which is so valuable an asset. It would not be improper now for Canada to expect to derive a very considerable revenue from the right to trade in those portions of the Dominion, and there should be attached to the agreement a limitation as to the yearly catch of certain species of furs.

I will now take the liberty of directing the attention of hon. gentlemen to some of the specimens and maps which illustrated to the committee some portions of the evidence of the witnesses. They are worth an inspection and may be seen now, or in Committee Room No. 17, after the House is adjourned. They have upon them short descriptions showing whence they came, and by whom furnished, and in connection with the report which we are now discussing and the evidence to be printed hereafter their inspection is important. At this stage also I take the liberty of reading some extracts from a letter received this morning from Charles T. Bell, Esq., Secretary of the Board of Trade of Winnipeg, to whom the committee had sent a list of questions, and I very much regret, in common with other members of the committee that we had not the advantage either of Mr. Bell's presence before us, or of the communication to which I will refer. Among other things it shows that very fine wheat can be produced upon ground wherein the frost remains up to the 1st July. He also makes a comparison between Duluth No. 1 hard wheat, and our own No. 1 Northern wheat, very much in favor of the latter, and going to show that Manitoba wheat is the best in the world.

Mr. Bell has been good enough to forward the specimens of grains which lie upon the table, and which serve to illustrate, and I think fully bear out, the statement he has made. As hon. gentlemen may wish to speak on this motion, I feel that I cannot presume upon the forbearance of the House at this late period of the session, by going into subjects of interest more extensively, and I shall conclude my remarks upon this occasion by saying that the members will, I fully believe, feel quite satisfied if they have been instrumental, even in a slight degree, towards showing Canadians the richness of their vast domain, which is an empire in extent of resources in all that is necessary to make a nation great. Parts of it (this part) we do not now need for colonization, but it is well to know what we have in reserve, it may be called in bank parlance a "rest" to draw upon in the future, while we need meantime scientific exploration and investigation to follow this brief Senatorial examination, I am

satisfied that the more we know of it the prouder we will be of this great Dominion, which possesses everything in itself really necessary for the needs of northern men, and should foster and encourage that natural feeling of confidence in our own resources which is calculated to increase the patriotism of our people and prepare them for that high place among the nations, which, in my opinion, is Canada's ultimate destiny. If there are those who question this, then to these doubting ones I would com mend the opinion (as I know no better closing to this speech), of a great American statesman, the Hon. Mr. Seward, as regards the future destiny of Canadians upon this continent. In 1864 I think it was, Mr. Seward, then Secretary of State for the United States, made the following eloquent and candid allusion to Canada.

"Hitherto, in common with most of my countrymen," he said, "have thought Canada a mere strip lying north of the United States, easily detachable from the parent state, but incapable of sustaining itself, and therefore ultimately, nay right soon, to be taken by the federal union without materially changing or affecting its own condition or development. I have dropped this opinion as a national conceit. I see in British North America, stretching as it does across the continent from the shores of Labrador and Newfoundland to the Pacific, and occupying a considerable belt of the temperate zone, traversed equally with the United States by the lakes, and enjoying the magnificent shores of the St. Lawrence with its thousands of islands in the river and gulf, a region grand enough for the seat of an empire—in its wheat fields of the west, the broad ranges of chase at the north; its inexhaustible timber lands, the most extensive now remaining on the globe; its invaluable fisheries, and its undisturbed mineral wealth. I find its inhabitants vigorous, hardy energetic, perfected by the climate of the region and British constitutional liberty. I find them jealous of the United States and of Great Britain, as they ought to be. Therefore, when I look at their extent and their resources I know that they can neither be conquered by the former nor forever held by the latter. They would be independent, as they are already self-maintaining; they would be a Russia to the United States, which to them will be France and England."

I will only add that when this distinguished member of the United States Government wrote this he knew little of our great North Land, and I feel convinced that if he had, his opinion would have been, if possible, still stronger.

I now beg to move, seconded by Hon. Mr. Girard, the adoption of the Report.

HON. MR. BELLEROSE—Before the question is put I beg permission to remark that the evidence taken before the Committee has not been translated into French or distributed, and the speech of the hon. gentleman itself shows, by the references he has made to the evidence, that it should be before the House before we are asked to vote. I must therefore take objection to the adoption of the report to-day, and ask that it be postponed until the evidence is before the House in both languages. There are members of this House who do not understand English at all, and they should not be asked to vote with their eyes shut.

THE SPEAKER—I presume that this objection is fatal to the adoption of the Report.

HON. MR. SCHULTZ—I see no reason why the discussion should not go on to-day, even though we do not adopt the Report.

HON. MR. BELLEROSE—I do not see how the discussion can go on until we have the evidence before us.

HON. MR. SCHULTZ—Both Report and evidence are on the Table.

HON. MR. BELLEROSE—I do not speak of the Report: I speak of the French version. The discussion cannot go on until we have the French version before us.

HON. MR. GIRARD—The custom in the past has been to waive the translation of the evidence taken before Committees until the work can be done. If we insisted upon having the translation complete in all cases before discussing measures here we would put a stop to all legislation. I do not think my hon. friend expects that we should delay the adoption of this Report until it is too late to take it up this Session. We will have the trans-

lation of the Report, no doubt, in good time.

Hon. Mr. POWER—This case is somewhat distinguished from ordinary cases in this way; that shortly after this Committee was constituted the Chairman came to the House and on behalf of the Committee asked that they might be allowed to employ a short hand writer and also a clerk for the Committee. My recollection is that at that time the hon. gentleman from De Lanaudiere suggested that in order that the French version of the evidence might go on *pari passu* with the English version, or nearly so, some person should be employed who was competent to translate the evidence into French. I took at that time the same view that the hon. gentleman from De-Lanaudiere did; but the House, unfortunately as I thought, did not concur in his view, and thought that the work might be done later on by the permanent officers of the Senate. The fact is that, during the session at any rate, the existing French staff of the house have as much as they can reasonably be expected to do; and it is to be regretted that some one was not employed to prepare a French version of this evidence. If the hon. gentleman from De-Lanaudiere persists in his objection to the adoption of the report, I do not think we shall be in a position to adopt the report this Session at all; because the evidence is very voluminous and it would take half a dozen men working constantly from this to the end of the Session to make the French translation. It is to be regretted that the suggestion of the hon. member was not taken at the time the Committee began its labors; because, if it had been, we should now have the French as well as the English version. I may remark that the English version, although it has been type-written, has not been printed. For most purposes the French version is in the same position as the English version: The latter has not been distributed for general perusal. Of course any one who wishes to see it can see it in the Clerk's Office. If we are to wait for the printing of the French version before adopting the report I am afraid we shall have to wait until next session.

Hon. Mr. DICKEY—I should like to call the attention of the House to the fact that the report, the adoption of which is moved, is it not one which would require us to wait for all the evidence. The report does not make any recommendation which is to be at all affected by reading the evidence in either language, or in both languages. The report referred to in the motion states certain facts which have been elicited by the Committee. There is no recommendation that any action should be taken which would be affected by the necessity of looking at the evidence. If we are to undertake the task of having the evidence printed in both languages before we adopt the report I am afraid we should be here until the middle of the summer. After all the labor that my hon. friend has performed and all the zeal he has displayed in the matter, I think we might adopt the report itself, for the reason I have already stated—that there is no recommendation in this report upon which action is to be taken which would render it necessary to wait to see all the evidence before coming to a conclusion. It would be a graceful act to the hon. gentleman who is Chairman of the Committee to allow the report to be adopted, and we can read the evidence afterwards when it is printed.

Hon. Mr. BELLEROSE—I agree with the hon. member from Halifax, and the hon. member from Amherst too, that probably if the objection is persisted in the report may be left over until next session. To this I may add also that the hon. gentleman and the whole House will agree with me that if they are in such a position the fault is not mine because I notified them of what might be expected at the very beginning. I said there ought to be a French translator, that the translation should go on at once, and I gave notice that unless the translation was proceeded with promptly I would raise this objection. I will not do like other members: I will not persist. The House has often been courteous to me, and I see that there is a general de-

sire to have the report taken into consideration. I waive my objection, but I only ask this, that it be posponed for two or three days until the report of the committee is in French and before the House. It will be ready in two or three days, and I ask the House to grant this. If there is any objection to that I will waive it also.

HON. GENTLEMEN—No, no.

HON. MR. ABBOTT—I think the request of my hon. friend from DeLanaudiere is reasonable, that the report should be in French as well as in English, and I would suggest that the motion be allowed to stand until Wednesday.

HON. MR. TRUDEL—It is hardly necessary to call attention to this fact that the objection of my hon. friend is a high compliment to the importance of the report. His main object, and the object of the House, is to have these important facts known all over the country. A large portion of the population speaks the French language only, and it is of the highest importance that the French press should be put in a position to see this evidence. For these reasons, the suggestion of my hon. friend is a good one.

HON. MR. POWER—This discussion brings up a matter of some consequence. I find that while in the English minutes this report is given *in extenso*, in the French minutes we are told "See Journal." I think it is a very inconvenient thing. Even though it might not have been convenient to translate the appendices of this report for the minutes, I think the report is not of such length that it should not be translated. The French members have exactly the same right to information on these subjects as the English members; and I do not see why they should have to wait for the journals while the English members get the information in the minutes.

HON. MR. ABBOTT—I understand there is no intention of postponing the publication of the French version. I believe it is now in the hands of the printer and will be on the order paper very soon. It will probably be laid on the table to-morrow.

HON. MR. GIRARD—Now that the House is in possession of the report, I think it would be well to adopt it to-day. It is with pleasure that I rise to second this motion. The work of the Committee has been of a very important character, and I am sure that the results will be received with pleasure by the House. The investigation has been diligently and intelligently conducted. We have taken the evidence of many old Hudson Bay Company's officers, and also of very respectable parties who have been living there for a long time. Until now, that part of the country may be said to have been unknown. We did not know that we had in that northern region such a vast reserve. It will prove of great value to the whole Dominion, but at the same time I would not advise anyone to settle there who expects to make a living by farming. While we have our rich Manitoba lands and the prairie lands of the west, I think it would be very imprudent for anyone to go to the Mackenzie Basin to farm. Nevertheless, we have in that vast country some very fine lands, especially in the valley of the Peace River. It has been proved by the evidence taken before our Committee that almost any kind of farm produce which can be raised here will grow in the Peace River country. At the same time, it would be better for those who desire who take up farming lands in the North-West to locate nearer the railway lines. At the same time, I would not hesitate to advise the descendants of the French voyageurs, who have never been afraid to encounter hardships, to visit that country and carry with them civilization and progress. They would find there opportunities of locating mineral lands and developing the magnificent fisheries of the great northern lakes.

HON. MR. BELLEROSE—I rise to a question of order. I have waived my objection so far as the evidence is concerned, but it was understood that until the report of the Committee was published in French the debate would be adjourned until Wednesday. I do not

wish to lose time, and I think we should have this matter settled now.

Hon. Mr. DICKEY—In justice to myself, I may say that when I made the suggestion to my hon. friend opposite, to which he so courteously responded, I was not aware that the report of the committee had not been printed in French. Had I known it, I should certainly not have recommended that the discussion should go on to-day. While I am desirous that the utmost courtesy should be extended to my hon. friend from Winnipeg, who introduced the matter. I am equally aware that it would only be fair and right to the French members of this House that they should have an opportunity to read the report in their own language. The matter should stand for a day or two until the report, which is now in the hands of the printers, can be printed and distributed.

Hon. Mr. MILLER—Have the Committee instructions to report the evidence to the House?

Hon. Mr. SCHULTZ—I do not recollect with regard to that. I rise, however, with the consent of my hon. friend from St. Boniface, to move that the debate be adjourned until Wednesday. Had my hon. friend from DeLanaudiere allowed the debate to go on, his French friends would have had the additional advantage of seeing in the official report of our debates, the remarks made by those taking part in the discussion, but under all the circumstances I think it would be as well to postpone the consideration of the matter until Wednesday.

Hon. Mr. GIRARD—My intention was to put the question before the House, expecting that any subsequent discussion would be postponed until such time as the French copies of the report would be before the House.

Hon. Mr. BELLEROSE—I rise to a question of order. If the discussion is to go on, then I must waive my objections.

Hon. Mr. MILLER—I think the concession made by the hon. gentleman is very fair and reasonable. It is found that the report is not on the French copy of the minutes, it certainly should be on the French minutes at the same time that it is put on our copy. However, I do not know that there were any instructions to the Committee to report to the House, but certainly if it is printed in English, it should also be printed in French.

Hon. Mr. GIRARD moved the adjournment of the consideration of the report until Wednesday next.

The motion was agreed to.

FRAUDULENT TRADE MARKS BILL.

REPORTED FROM COMMITTEE OF THE WHOLE.

The order of the day having been called for Committee of the Whole House on bill (91) "An Act to amend the law relating to fraudulent marks on merchandise."

Hon. Mr. ABBOTT said:—I do not know that it is necessary for me further to explain the general features of this bill, after the short explanation I gave when the bill was read the second time. This bill is the outcome of two or three conferences between the different commercial nations, the first of which was held in Rome in 1883, the second in Paris in 1886; and the results of these two conferences were submitted to the Colonial delegates in England in January, 1887; and, as I said, this bill is the outcome of those conferences. It is proposed to replace our act respecting offences against the trade mark law, and it makes practically no change in the principle or theory of the protection of trade marks. It systematises the mode in which the proprietorship of trades marks in goods is protectf ed—the mode by which the violation o these people's rights is to be hereafter punished, and improves, I venture to say, the system which prevailed under the present Act, more particularly in this, that it gives a complete definition of the various classes of infringement of the trade mark law, and it confines the

punishment of the violation of trade marks, to trade marks which have been registered; whereas under the former law it was an offence to abuse trade marks in use though not registered.

I move that the Bill be referred to a Committee of the whole House presently.

HON. MR. POWER—Perhaps before we go into Committee, the hon. minister will tell us whether or not this Bill is substantially a transcript of the English law.

HON. MR. ABBOTT—Very nearly so.

The motion was agreed to and the House resolved itself into Committee of the Whole on the Bill.

In the Committee.

On Section 6,

HON. MR. POWER—Does the English Act throw the burden of proof on the accused?

HON. MR. ABBOTT—The English Act makes exactly the same provision with regard to the burden of proof after the fact has been established. I think the language is as nearly as possible a verbatim transcript of the English Act.

The clause was agreed to.

On section 20,

HON. MR. POWER—I see that section 20 provides that "this Act shall not exempt any person from any action, suit or other proceeding which might but for the provisions of this Act be brought against him." Is not that rather a sweeping way of putting it, because supposing that this Act had not been passed, then a person might he liable for some offence against the existing Trade Marks Act which is different from the proposed one, and as I understand it, under this section one might be liable under this Act and under the preceding Act, if this Act has not the effect of exempting one from a suit which might be brought against him only for the passing of this Act.

HON. MR. ABBOTT—I confess to not understanding clearly what kind of suit it is intended to exempt a party from. If my hon. friend desires to have a further explanation of the clause, it might stand over until the third reading.

HON. MR. DICKEY—My understanding of the section is that it enables a party to get a civil remedy by action or suit notwithstanding the punishments that are given on indictment or summary conviction under this Act.

HON. MR. ABBOTT—That would seem to be the explanation of it: however, we will let the clause stand until the third reading.

On section 21.

HON. MR. POWER—I hope this clause will not be so interpreted, especially in the City of Ottawa, as to apply to persons who represent by signs and advertisements that they are grocers or tailors, &c., to their excellencies or to the royal family.

HON. MR. ABBOTT—The offence is falsely representing that any goods were made by a person holding a royal war rant, for the service of Her Majesty, or any of the Royal Family, or any Government department; but a man professing to be tailor to His Excellency, or grocer to His Excellency, would not come within the law, because they do not pretend to do so under royal warrant.

HON. MR. DICKEY—I remember an incident of a man advertising himself as tailor to Her Majesty. It might not in former days be considered as anything peculiar, but certainly in those days it would be considered absurd.

HON. MR. VIDAL, from the Committee, reported the Bill without any amendment.

THIRD READING.

Bill (93) "An Act further to amend the Speedy Trials Act, Cap. 175 of the Revised Statutes." (Mr. Abbott.)

CHIGNECTO MARINE RAILWAY BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (110) "An Act respecting the Chignecto Marine Transport Railway Company."

He said—This is a Bill which I am given to understand will require and receive a certain amount of discussion in this House, I want to have that discussion at such time as the House thinks proper, but I scarcely see any reason why it should not be referred to the Railway Committee in the usual way.

HON. MR. SCOTT—It is a Government Bill, and it is not necessary to refer it to the Railway Committee.

HON. MR. ABBOTT—It is only a Government Bill in this sense, that I am moving the second reading; it is not a Government Bill.

HON. MR DICKEY—It refers to an agreement of the Government.

HON. MR. SCOTT—The Government are giving this Company a subsidy of $125,000 a year.

HON. MR. ABBOTT—Like many other Railway Companies this Company will receive a subsidy on certain conditions, but that does not constitute this a Goverment Bill. The purpose of this measure is simply to continue the period for the completion of the railway up to 1890 with a possible further delay of twenty-four months, on condition that the Company pays a monthly penalty of $5,000 to the Government for each month during which the work remains uncompleted. The next clause of the Act is simply to correct an error in the previous Act.

HON. MR. POWER—Would the hon. gentleman state the amount of annual subsidy provided by the existing statute?

HON. MR. ABBOTT—$160,000 or $170,000 a year for twenty years. No portion of it becomes due, however, until the railway has been put in a state of efficiency and actually performs its work.

HON. MR. POWER—As the leader of the House has said, the House is fairly familiar with this measure. It is one of those measures which have no merits of their own. It was passed first in 1882, just previous to the general elections of that year. It remained quiescent for a period of four years. Then, during the session previous to the last election it was re-vivified—it was near dying, but it was necessary that the prospect of this important and magnificent public work should be dangled before the eyes of the electors of Cumberland and Westmoreland, and the project was brought before their notice again previous to the last general election. I think it is generally understood that there will shortly be another election in the county of Cumberland; consequently it was thought necessary that this marine railway should be brought prominently before the eyes of the electors of that fine county during the present session. It is understood, I believe, that the Minister of Finance proposes to retire from the duties of that office which he finds rather onerous, and confine himself to the duties of High Commissioner in London.

HON. MR. MACFARLANE—I do not think the hon. gentleman requires the Chignecto Railway to sustain the County of Cumberland. It is competent to elect a successor to Sir Charles Tupper without that.

HON. MR. POWER—I shall not pretend to say that it is necessary, but I know that for greater surety some things are done, which would not be done in the ordinary course of things. This measure of itself has no merits. It was at one time proposed to build a canal through this isthmus, but the canal commissioners did not report favorably on that project. They did not think that the commercial advantages to arise from the construction of the canal would be at all an equivalent for the expense that it would involve. Then the canal scheme having been dropped, (it was understood that it would cost some six

or eight millions), this scheme made its appearance before the electors of Cumberland in 1882. All that has been done in connection with it, as far as I know, is that the engineer has prepared plans. I presume there has been some writing in the newspapers on the eves of two elections, and there have been some Bills passed through Parliament,and some discussion on those Bills. But as to actual work there has been none, and I do not think there has been any substantial progress in the money markets of the world. The money lenders of London and New York, although not always as cautious as they ought to be in railway projects, have been shrewd enough to see that there are no merits in this project, and have declined to lend their money for the purpose of its promotion. The canal scheme was dropped. There was very little to be said in favor of the canal, and still less in favor of this railway. If it were successful its principal effect would be to interfere with the ordinary railways which cross the isthmus. There is a railway running from the Intercolonial Railway to Cape Tormentine, which is not very far from where the terminus of this ship railway is to be; and there are railways running from the Intercolonial Rail- to the Bay of Fundy. In fact I think there are two railways from the Intercolonial Railway to the Bay of Fundy shore, and two roads also, from the Intercolonial Railway to the Gulf of St. Lawrence shore; and the only effect of this measure if it were successful, would be to take away from the traffic of those railways. The general impression amongst men who know anything about shipping is, that the transporting of a vessel over this ship railway would strain the vessel to a considerable extent; and it does not appear from the evidence which has been taken in connection with this matter and the canal, that there would be any great advantage in getting a vessel to the head of the Bay of Fundy. The navigation from that point to any point in the United States is at some seasons of the year rather difficult and unsafe. A vessel which, for instance, was at Charlottetown, Prince Edward Island, bound for the United States, would under ordinary circumstances, prefer to go through the Strait of Canso and out into the Atlantic rather than to go over this railway and down through the upper waters of the Bay of Fundy. Anybody who knows anything about the locality where this ship railway is to be, or who knows anything about the volume of trade that passes between the Gulf of St. Lawrence and the Bay of Fundy, knows that this undertaking would not pay in any way; and I think it is very much to be regretted that when there are so many much more deserving schemes calling for assistance from the public treasury, the Government should propose—because this work is to be located chiefly in the County of Cumberland—to lend something like $3,500,000 to an undertaking such as this. As it has passed the Commons, I presume the Senate will pass it also. It always does pass Government measures by large majorities; but I can only hope that, although the Senate does pass the Bill, the money lenders of New York and London will continue to be as doubtful of the value of this scheme as they have been in the past, and that the country will never be called upon to pay this subsidy of $170,000 a year.

HON. MR. WARK—If the hon. gentleman thinks this scheme has no merit, I cannot discuss the merit with him. The promoters of it think there is a great deal of merit in it. I know they have spent a good deal of money on it which they would not have spent if there was no merit in the project. The gentleman who is prominently connected with it was a contractor for the building of one of our railways. He has spent a great deal of time and money in railway business in South America, and I think he is perfectly satisfied that this is a feasible scheme and that it will be productive of benefit to the country. It is not the county of Cumberland alone that will be benefited; it is intended that this railway shall take the place of the Baie Verte Canal with much less expense. I am acquainted with the promoter, and I believe he is desirous of accomplishing the work.

HON. MR. DICKEY—It is unfortunate that the hon. gentleman from Hali-

fax finds it difficult to discuss any question here without importing into it some kind of party politics. It is rather too bad that a question of this magnitude should be trifled with in the way my hon. friend has attempted to do by seeking to convey the impression to the House that this is a mere election scheme. He said, this project remained quiescent from 1882 to 1886. My hon. friend from York has given the hon. gentleman from Halifax the reason for that. The promoter of the scheme, a man of strong convictions, and of undoubted engineering ability, Mr. Ketchum was in the market of London from year to year trying to get the money for this scheme without success. In the year 1882, Mr. Ketchum, on behalf of this unincorporated Company, entered into a written agreement with the Government, which agreement is incorporated in our Statutes today, that this work should receive a certain subsidy of $150,000 a year for a period of 25 years. Mr. Ketchum has spent, I may state from the papers I have seen, and from what I know of him, for I have met him frequently in London, some $20,000 or $30,000,—in fact almost imperilled his fortune in trying to float this scheme, and had succeeded in bringing the matter to such a point that the capitalists in London would, if a certain change were made in the agreement, enter into the undertaking. It took him three or four years to do that. He came to this Government in 1886 and proposed this change, which the capitalists desired, to the Government. The capitalists said, "the subsidy is too small; we prefer a much larger subsidy; but you can not give us a larger subsidy, narrow the time down to twenty years instead of twenty-five, and give us a subsidy equivalent to that for the shorter period." They estimated that as it is now to be found on the pages of the records of Parliament: these capitalists stated that they required $187,000 for twenty years to make it equivalent to a subsidy of $150,000 for twenty-five years. The Government consented to the period being shortened. They placed the matter in the hands of an actuary who reported that the equivalent was not $187,000, but $170,000 for twenty years, and they consented to make that change in the agreement, not increasing the total amount one farthing, but increasing the annual payments for a shorter term of years.

That was the change that was made, and the Government in that operation offered to give them a very much smaller subsidy than they expected. Then he went to London with that. That is now about two years ago. He remained there for the two seasons, and at the last was blocked entirely—although the time for completing this work was by his charter up to 1889, he found it was utterly impossible and came home in despair. After he had got here two or three months, a communication was made to him by a capitalist who was fortunately an engineer, who stated that he had seen those papers on a former occasion, when he could not do anything, because his capital was locked up in South America. Having made a fortune in South America, he returned to England, and at once applied to Mr. Ketchum to ascertain if he could still have the work. Mr. Ketchum at once put himself in communication with him and to show the sincerity of the applicant, and as a tangible proof that they were anxious to take up the project they paid his expenses to and from England because this unfortunate gentleman, Mr. Ketchum, had spent the greater part of his fortune in this project and was utterly in despair. Naturally and necessarily he declined to go over again until he got this offer. He went over immediately. Before going he came to the Government here to know if he could, under the circumstances, get an extension of the time to carry out his project. He said, "we do not ask for any more subsidy, but simply for an extension to carry on the work." That has been frequently done in our legislation, but the Government said, "if you do we must put you under a penalty for every month beyond the extension of two years." He said they would submit to that, after communication with the gentlemen in London. He went home to negotiate with these parties a month or two ago, and he sends out word that everything is proceeding satisfactorily. The matter comes before this House in this way. An offer has been

made, the *bona fides* of which is vouched for by the travelling expenses of Mr. Ketchum being paid to the other side of the water, and the matter is proceeding satisfactorily, so that there will be no difficulty, it is apprehended, in carrying out this project, unless indeed this Bill should be treated otherwise than previous measures of a similar character have been.

HON. MR. KAULBACH—What is the estimated cost of the work?

HON. MR. DICKEY—I will state that presently. My hon. friend from Halifax has adverted to the old canal. I repeat the statement which I made two years ago, that this Baie Verte Canal was the product of the public opinion of Nova Scotia and New Brunswick for the last half century and more. It was always insisted that this work was a practicable one—that it was a necessary work because it connected the waters of the Gulf of the St. Lawrence with the waters of the Bay of Fundy; because it saved 600 miles in getting around to St. John's and other ports on the Bay of Fundy and the matter was in abeyance for a great many years. It was finally taken up by the Mackenzie Government who sent and had a thorough survey of it made and the cost was estimated at not less than ten millions of dollars. They said "that is rather too much money, we feel bound to do something, but this is too much, and we cannot go that far." The reason why they took that course was one very honorable to themselves. They knew that this last project of the canal was the result of an understanding at the Quebec Conference, which was the foundation for this Confederation. It was distinctly understood there that this Baie Verte Canal should be constructed. There had been no canal in the Maritime Provinces, except a very small one in Cape Breton of a mile or two in length, and it was distinctly understood and agreed—and I am speaking in the hearing of members who know what I state is correct—in my presence (for I was one of the delegates) that this should be done. The Mackenzie Government took up the matter in a fair manner and got an estimate. The estimate was much more than we expected. Then the matter slept until about 1880 when this project was started by Mr. Ketchum. He said "I will undertake to get a Marine Transport Railway which will afford a quicker and better mode of transit across the Isthmus than we propose in the original Act." An estimate was made of the cost of that and it was just one half of the cost of the other to the company building it—not to this country because all we have to do with it—and that is the point just now before us—is the annual subsidy we are to pay to aid these gentlemen after they have established the work. We agree to pay a certain subsidy. We pay not one dollar until the whole work is completed and handed over to the satisfaction of the Government engineer, and after that we will pay a subsidy of $170,000 a year so long only as that Marine Railway continues to do its work to the satisfaction of the Government Engineer, and whenever it ceases to do that the subsidy ceases. In the expenditure of this $500,000 they have not asked for one item of assistance in the shape of relief from duties or anything else, while the duties on the materials that will require to be brought in and the machinery and the endless things which are subject to duty would pay for three or four years of this subsidy. Under these circumstances it seems to me that it was impossible that a better bargain could have been made than that which has beeen made. My hon. friend says he feels such compassion for our particular part of the country that he is afraid it will interfere with the railway to Cape Tormentine. There will be a little rivalry I daresay, but we have got beyond that point were we are afraid of rivalry between the different modes of communication—between a marine transport railway and an ordinary railway to another point. But I will leave my hon. friend from Westmoreland to discuss that. He is doubly interested in the railway and can tell us whether it will have that horrible effect on the line with which he is identified. My hon. friend thinks it is very doubtful whether this transport will be any good when it is constructed. I can only put it this way to

the House : I take it for granted that gentlemen who are going to embark on this undertaking, in spending five millions of dollars,will satisfy themselves, as they have already done, that it will be of immense benefit to the trade and navigation of the country—that it will attract a large amount of traffic, sufficient to recoup them at all events for a great portion of their expense, but they do not think it is quite sufficient to recoup them for the whole, and therefore they ask for this subsidy. Then the hon. gentleman says he is afraid that this system of transportation will strain the vessels. This is to some extent a new project but it is really as old as the Weaverton canal in Cheshire, England—as old as the canal which crosses the Alleghany Mountains to the Ohio river. By means of this Baltimore Canal they have had the experiment tried. They take up these enormously loaded barges, holding thousands of tons weight, by hydraulic force, just as it is proposed here, and land them on a short railway and carry them across, and by the same hydraulic force deposit them in the water and away they go. They do the same on the Weaverton Canal, in England, and I suppose the House is aware of the magnificent project of Colonel Eades, by which he proposes to take the vessels over, not such a place as this, but over an enormous mountain range between Lake Nicaragua and the Pacific—vessels five times the weight of the largest of these, because it is proposed to confine the transportation of vessels on this Chignecto Railway to vessels not exceeding 1,000 tons in weight. Therefore the matter has been settled as a problem in science ; and as to the hydraulic power, it was settled nearly half a century ago, when the Britania Tubular Bridge was lifted from the surface of Menai Straits to its position so that the largest vessels could pass beneath it. In fact, it is difficult in these days to settle limits to what could be done by science and engineering skill.

HON. MR. POWER—And public money.

HON. MR. DICKEY—Of course it requires public money also. We have spent millions in constructing the Canadian Pacific Railway. That, indirectly, is a benefit to the Lower Provinces, but we willingly consented to pay our share. It was settled twenty-four years ago at the Quebec Conference, that we should be entitled to this short route. The isthmus which connects Nova Scotia and New Brunswick is sixteen miles wide, an isthmus by which it was once said by the late Joseph Howe, that God and Nature seemed to leave it there as a means to get access by the Intercolonial Railway to Halifax. It is a flat isthmus, in no place higher than fifteen feet above tide level. It is perhaps the only place in the world between two great waters which is only fifteen miles wide in which such an experiment could be tried in the same way, because it requires that the line to transport these vessels shall be perfectly straight. There could be no considerable curve because the vessels could not be transported if there were any. It requires a perfectly straight and level line and the reason why this is perfectly level is because at the highest point there is no cutting that would exceed 15 feet, and the greater part of the distance it is a dead level. The experiment will be tried under the most favorable circumstances--circumstances which would warrant, if anything, a successful issue. My honorable friend has expressed a hope in his concluding remarks which would relieve us all of great embarrasment. He hopes the money lenders of England will not entertain the project. I do not see why, although my honorable friend comes from the other side of the province, he should have such an antipathy to this scheme. If this work should not be constructed no harm will be done, but if this Bill should pass, as I am sure it will,and this work should go on, we shall have at all events the honor of introducing into this country a scheme which, as has already been stated, has never yet been tried on a large scale—that is the carrying of vessels overland, and we shall have done that without any risk whatever to this country, because we are only asked to authorize the Government to continue the subsidy which they have long since agreed to pay so long as the enterprise is successful, and they shall

not pay one dollar until the work is thoroughly completed and approved to the satisfaction of their own engineers. Now why, under these circumstances, should all this rhetoric be wasted in objections to this undertaking? My hon. friend rakes up the old bug-bear of the navigation of the Bay of Fundy. The navigation of the Bay of Fundy—and I am speaking in the hearing of hon. gentlemen from New Brunswick and the western coast of Nova Scotia who can correct me if any statement is erroneous—instead of being difficult and hazardous is one of the safest in the world. It is a well lighted arm of the sea: it is subject to fogs, nearly as much so as the southern coast of Nova Scotia.

HON. MR. KAULBACH—More.

HON. MR. DICKEY—More perhaps or less, but at all events it is equally subject. They all lie in the same current of fog, but when I look at the accidents that have happened there I can appeal with confidence to hon. gentlemen who know something about it, that there are fewer accidents there than on the southern coast of Nova Scotia. The House will see that the object of this Bill is to enable vessels to pass from the Gulf of St. Lawrence into the Bay of Fundy and so down the American coast, the best lighted in the world, instead of going down by the east end of the gulf, then turning south to get into the Atlantic by this narrow Gut of Canso and so out and then turning west, sailing along the iron bound coast of Nova Scotia, and so on down towards the West Indies or towards the American ports. The saving in distance to St. John by this route as I have stated is 600 miles and to American ports something less—perhaps four or five hundred miles. At all events it is an immense saving in distance, and we shall have the merit of having accomplished this great work without a dollar of expense to Canada.

HON. MR. KAULBACH—I remember when, 25 years ago, I was in the Legislature of Nova Scotia this question came up, of the construction of the Baie Verte Canal. It was approved of generally by both Houses of the Nova Scotia Parliament. Therefore, to a large extent, I would be in favor of a canal, but this kind of an amphibious structure—to enable vessels to go over land and water—is a mode of transit which seamen and captains do not approve of. I do not want to say anything that may mar this project. No doubt Mr. Ketchum is an able engineer, and has the earnestness of conviction in this matter, but the project may yet be a failure as far as profits are concerned. I have no doubt that this money could be raised, when we guarantee for twenty years a payment of $170,000 annually, as the whole cost at the furthest will be five millions of dollars. I think, under the circumstances, that any capitalist is safe to invest in the enterprise. He runs a chance to make a profit. At all events it will not be a great loss. I am very sorry I did not hear my hon. friend from Alberton speak on this matter. I want to know how this *supra terra* construction will conflict with his submarine tunnel. Will it increase the chances of that project? Or my hon. friend from Queen's County may tell us something about it also. It is quite evident that this will not benefit any part of Cape Breton or Nova Scotia, from Pictou east, and along the south shore. If there is any benefit to accrue to any section of the country it must be to the portion of New Brunswick and Quebec lying on the Gulf of the St. Lawrence.

HON. MR. DEVER—And Prince Edward Island.

HON. MR. KAULBACH—If we are to have this submarine railway it will be of no use to Prince Edward Island. The progress of mechanical science is so great that there can be no doubt that the undertaking can be carried into effect, and my hon. friend from Amherst had no occasion to extend his remarks to show that it could be accomplished. I believe it is perfectly feasible. We have been so surprised at the engineering skill in many quarters that we may consider this a trifle. We have constructed a railway across the continent. There are no engineering difficulties

about this Marine Railway but I have very great doubts as to whether the profits of the undertaking will be equal to the expense we are going to put upon it. I do not wish to say anything that would interfere with the success of the enterprise: at the same time, I hesitate to say anything that will induce capitalists to go into an enterprise from which I believe very little profit can accrue.

HON. MR. BOTSFORD—I certainly should not have troubled the Senate with making a speech on this question had it not been for the course adopted by the hon. member from Halifax. He has attempted to belittle a scheme which has been considered, in the view of the different provinces, as one of great importance to the best interests of the Dominion and before I sit down I will refer to some of the reports which have been made on that question, which I would not have done but for the disparaging remarks of the hon. member from Halifax. My hon. friend from Amherst has correctly stated that one of the inducements held out by the delegates who assembled together to accomplish confederation was the scheme that had been under discussion in the different Legislatures of the country so long, of getting a canal between the waters of the Bay of Fundy and the Straits of Northumberland. That project was held out by the conference as an inducement to New Brunswick to go for Confederation. I recollect distinctly that it had a great effect on many persons when that question came up for consideration. There was a wide difference of opinion in New Brunswick with respect to the benefit which that province would derive from Confederation, and one of the strongest arguments made by gentlemen who favored union was, that if we obtained it, we had the pledge of the delegates that the Baie Verte canal would be constructed, and that canal had been one of the favorite projects of the people of New Brunswick for three-quarters of a century. These circumstances ought to influence hon. members to endeavor to have that pledge carried out if possible. But before I proceed to deal with the benefits which might result from the communication between the two waters, I will refer to the question of a comparison between a canal and a marine railway. I have seen communications from some of the most celebrated engineers of the world upon this question, and they lay it down as a maxim which cannot be disputed, so far as their opinion goes, that a marine railway in a locality such as is contemplated here is far preferable to a canal—that it can be more readily worked, that it can be built for less than one-half the cost of a canal, that experience teaches there is no danger whatever in the working of it and in transporting ships of any size, if your hydraulic engine is sufficiently powerful to raise vessels of any weight or size; but in this scheme I think the limit is a vessel of a thousand tons, which is quite ample for all the purposes of the traffic that would pass over this railway between the Gulf and the Bay of Fundy. The benefits which would be derived from a communication between the two waters are such that they have been acknowledged by the Board of Trade of all the principal cities in the Dominion, to which I will refer presently, because this work is one of very great importance indeed, if practicable. Hon. gentlemen knowing the geography of the locality would hesitate to say what amount of traffic would pass over this railway, provided a communication could be obtained. The traffic now is very large, and the gentlemen who have taken this into consideration, and who will very likely invest their capital, have had an opportunity of ascertaining what the present traffic is and what the probability of its increase will be, provided this communication is established between the two waters. Therefore, they have not gone into this enterprise with their eyes shut. They sent down an engineer to examine the locality and obtain correct information. Statistics of trade and commerce have been furnished them from the first, and they, taking all this into consideration, are willing to go into this enterprise. I ask hon. gentlemen to consider the valuable fisheries in the Gulf; and there is no question the product of those fisheries will eventually go to the sea board of the United States if the communication is short. Instead of going around the coast of Nova Scotia, a por-

tion of which is dangerous to navigate, they would have an opportunity of going by this route and communicating with the sea board of the United States by a journey of 120 miles, whereas under present circumstances, they are obliged to go round by Nova Scotia, a distance of 500 miles from all ports north and west of the isthmus. Of course from the north coast of Prince Edward Island the distance saved would not be so great, but the distance saved, generally speaking, from ports north-west of the isthmus would be about 500 miles. From the time I first went into the Legislature of New Brunswick this question was one which was considered by all of great importance. The Legislature of New Brunswick made three different surveys and paid for them. Captain Crawley was an engineer in the army, and there were two other surveys made. The Legislature of Nova Scotia, if I remember right, incorporated a company to construct this work and they entered into the importance of it and were willing to aid and assist the undertaking. The Legislature of New Brunswick, as I have said, spent a considerable amount of money in ascertaining the practibility of building the canal, and the information which was obtained from these practical surveys was that the canal could be constructed for a certain sum of money according to the depth that was required. After Confederation the Dominion took this question up and sent engineers to make a survey with a view to carrying out the pledge made at Confederation. The deputy engineer made a survey and then the chief engineer went down, examined the locality and made his report upon the survey which had been made by his deputy. He reported that it was practicable, and that the canal could be made fifteen feet deep by making use of the high waters of the Bay of Fundy. His estimate of the cost was about eight millions of dollars. Subsequently to that, Messrs. Gzowski and Keifer were appointed by the Government to make a further survey, and they recommended a different route to that which had been surveyed by the Chief Engineer, and estimated the cost at about $5,000,000. The route recommended by Messrs. Gzowski and Keifer is that which is now adopted by the parties who are undertaking to construct the marine railway, that is from Misquosh to Tidnish—and as the hon. member from Amherst has remarked, the country from sea to sea is remarkably level. The distance is about 17 miles from the navigable waters of the Straits to the navigable waters of the Bay, and the highest point between the two waters is fifteen feet at the height of land. The route is almost in a direct line so that there is no place where such facilities are offered for the construction of a magnificent work like this.

It being six o'clock the Speaker left the Chair.

AFTER RECESS.

BILLS INTRODUCED.

Bill (45) "An Act respecting the Ontario & Quebec Railway Company." (Mr. McKindsey.)

Bill (73) "An Act respecting the Stanstead, Shefford and Chambly Railway Company." (Mr. Stephens.)

Bill (69) "An Act to confirm a mortgage given by the Central Railway to the Central Trust Company of New York, to secure an issue of their debentures."

CHIGNECTO MARINE RAILWAY BILL.

SECOND READING.

HON. MR. BOTSFORD rose to resume the debate on second reading of bill (101) "An Act respecting the Chignecto Marine Railway Transportation Company." He said:—Previous to recess I had referred to the opinion of celebrated engineers in various parts of the world with respect to the comparison between marine railways and canals, stating what I had seen in communications from them, in which they had expressed a decided opinion, having seen a profile of this isthmus and having been inform-

ed as to the geography of the country—that in their opinion a marine railway across the isthmus under those circumstances would be preferable to a canal. Since I made these observations it struck me that it would be better to give the written opinions of these gentlemen, amongst whom were, Mr. Fowler, one of the most eminent engineers in England, and Mr. Eads, of Mississippi fame, and others, and I went to the Library, which is my excuse for detaining the House, to obtain the pamphlet containing these written opinions; but among the multiplicity of pamphlets which have been stored away, I could not find it. But I believe that every hon. gentleman who has considered this question in its various lights, and has had an opportunity of consulting the opinions of these celebrated engineers, will admit that, if they are to be depended upon, the cost is a most important feature in the construction of this great work for establishing communications between the Gulf of St. Lawrence and the Bay of Fundy. A marine railway can be constructed with greater facility and at one-half the expense of a canal of 16 feet draught of water, which would be required to accommodate the commerce between Montreal and Quebec and St. John and ports along the United States coast. Assuming that to be so, if hon. members make enquiry about it they will be satisfied that the opinions of these celebrated men are creditable and worthy of belief. If that be so, then all the arguments and the opinions which have been given by mercantile men, by Boards of Trade, by politicians, and by commissioners appointed by the Government, in favor of the Baie Verte Canal must apply with greater force to the construction of this marine railway across the isthmus, which is to be affected by the Bill now before us. Without further comment, I will read a few of the authorities, which I think must weigh with your honors if you arrive at the conclusions which I have reached upon reading the reports of those engineers, that a marine railway would be more efficient and less expensive than a canal. I was in hopes when this Bill came up, as Parliament had twice passed upon this question—and I believe in this House there was no division on the Bill, and it was admitted that this great work could be accomplished.

HON. MR. DICKEY—On the last Bill there was a division, for I was then doing the business for the Government, and the minority against it was seven.

HON. MR. BOTSFORD—Parliament having already passed on this question, one would suppose that they would be willing to carry out that policy; but it seems that the hon. gentlemen from Nova Scotia have particular objections to it, the hon. gentleman from Halifax especially saying that this meausure has no merit. I will read in the first place from an authority as valuable as that of the hon. gentleman who made the first objection—the report of the Commissioners appointed by the Dominion Government to report upon the canal system of the Dominion in 1870; an they took a great deal of pains to examine the localities for the proposed canals on which they had to report; and the following is a portion of their recommendation with respect to the Baie Verte Canal:

"It would be difficult to point out all the advantages which would result to Prince Edwards Island, Nova Scotia and New Brunswick, by the construction of the Baie Verte Canal. If the 900 ton propeller could deliver western or Canadian products at Halifax or St. John, these places would become cheap depots for such products. Assorted cargoes of fish, hoops, shocks, lumber, etc., would be made up to these ports for the West India Islands and South America, and could bring back return cargoes from these countries, of sugar, coffee, hides, tallow, etc., to be again reshipped as return cargoes for Canada and the United States by the inland propeller and thus delivered at less cost by such means than by any other possible route."

That is part of the report of the Royal Commission appointed by the Dominion Government. The Dominion Board of Trade was so strongly impressed with the importance of the canal that it adopted the following resolution:—

"Resolved that in the opinion of this Board it is desirable that the Dominion Government be recommended to construct at as early a day as possible the Baie Vere Canal.

The Canal commission, 1871, says:—

"The Ontario and Quebec merchants can supply the firms of St. John interested in

the West India trade, with the description of merchandise for which there is an ever ready and renumerative market in the tropics, and in that same way get back sugar, molasses and other West Indian and South American produce, which is now supplied indirectly to so large an extent through the United States."

It goes on to say :—

"The Baie Verte Canal is regarded by them as indispensable to the extension of the commercial relations of Canada with the British and foreign West India Islands."

The Canal Commission in their report of 1871, says :—

"The growth of intercolonial trade depends on cheap transit since the merchandise passing between the Maritime Provinces and Ontario must be of a bulky character, requiring large vessels and rapid despatch to be really profitable. When a propellor can go direct with a cargo of coal or other products of the Eastern Provinces, to Kingston and Toronto, and there get a return freight of flour, barley and other western products, international trade will have entered on a new era."

The Dominion Board of Trade says :

"Internal navigation and the effects of the canal system of the Dominion on the general commerce. If the Baie Verte Canal is possible of construction, the work will be highly important, and in its results of a truly national character in all its aspects. The city of St. John, N. B., as well as other places in the Bay of Fundy, would be brought 430 miles nearer Montreal, Quebec, or Toronto, for the water borne vessels than at present."

These are collected from all parts of the Dominion, and express that decided opinion. I will now give the opinion of a gentleman, who is respected, I think, by the hon. member from Halifax. I will give the opinion of one of the most distinguished sons of Nova Scotia—Judge Haliburton, who is known throughout the world as the author of "Sam Slick." He says :—

"By the construction of the Baie Verte Canal, the long and dangerous circuit of Cape Breton, in the navigation between New Brunswick and the St. Lawrence will be avoided; and the Canadian produce sent to Nova Scotia and her sister provinces. The resources of Gaspe, Bay Chaleur, Prince Edward Island and the country bordering on the Restigouche and the Miramichi are neither generally known nor easily developed on account of the communication with these places being tedious, dangerous and expensive. A canal will obviate the difficulty attending the navigation, and render the intercourse between the colonies in British America, safe and expeditious. It will also have a powerful influence in cementing their union, by creating a reciprocal dependence upon each other, by facilitating the means of friendly intercourse and increasing their commercial relations."

The views of Haliburton have been ably set forth and maintained by the Boards of Trade of Hamilton, Toronto, Ottawa, Montreal, Quebec and St. John, and reaffirmed by the Dominion Board of Trade, pressed on the Government by Canal Commission of 1870 and accepted as part of the canal system of the country.

HON. MR. POWER—Would the hon. gentleman allow me to suggest, as he has directed some of his remarks specially to me, that Haliburton's statement was made long before there was any railway at all, and those declarations of the Boards of Trade were made before the Short Line Railway was constructed. Goods coming from the Upper Provinces would not go round that way now.

HON. MR. BOTSFORD—I was going to comment on that and on the hon. gentleman's remarks about railways. It is a work which Sir Hugh Allan, Gzowski, Calvin, Gavreau, Jardine, Shannon and Keefer declared "was essential to give unity and completeness to the canal system of the country, and was Canadian in design and must prove national in its results." Those are men whose opinions are worthy of consideration. As I have said, if the opinions of these eminent engineers are to be relied on, the marine railway will prove as advantageous as the canal, and it can be built at a much less cost. The hon. member from Halifax adverted to this marine railway interfering with the various railways. I do not look upon it in that light? What we are trying to accomplish is a communication by water between the Gulf of St. Lawrence and the Bay of Fundy and by way the Bay of Fundy to the coast of the United States and the sea-board cities. What we are seeking is to develop the fisheries on the Gulf shores, because it is manifest to everyone who knows anything about the geography of the country that communication across the isthmus must be

most advantageous to the interests of the Dominion. In respect to this great work interfering with the railways already constructed I do not see even if it should in some cases interfere, that this magnificient work should be stopped because local and private interests are interfered with. I am a shareolder in the railway mentioned by the hon. member from Halifax as one of the reasons why he should not construct this grand work—the railway between Sackville and Cape Tormentine—but do you suppose that my views of the great importance of having water communication, or communication equally good, between the Gulf of St. Lawrence and the Bay of Fundy, can be influenced by my private interest in a railway? It should sink into insignificance, and that is the view I take of it. Now, what is the object of the Bill before us? Is it to make an appropriation of $170,000? That has already been decided upon by the Parliament of Canada and received the sanction the Governor General. This is simply a Bill to give certain capitalists who are prepared and willing to undertake this work one year more—simply one year more. If they require a longer period they pay a penalty. Surely under these circumstances it is worth trying the experiment. When we view this question upon general and great principles connected with the interests of the whole Dominion is not worth while to try that experiment. So far as my knowledge goes, a considerable amount of money has been expended by private individuals in ascertaining whether it could be constructed favorably, and I am not aware that any inducements have been held out by the Dominion Government or by individuals connected in any way with this work to British capitalists to take stock and build that line. They have had an opportunity of seeing the statistics of trade in the public records. They have had also a survey, made by competent engineers, of the route, to know if it is practicable and if any engineering difficulties are in the way. They sent out an engineer—not relying upon the intimations they may have received from other quarters—and his report is favourable. Now, I cannot conceive who can make an objection to an experiment like this when the Dominon Government pay not one farthing unless the work is completed and in operation, and I venture to say that no man who is acquainted with the locality —no inhabitant of the Dominion who knows the volume of trade and commerce that is carried on between the River and Gulf of St. Lawrence on the one side and the Bay of Fundy on the other, will venture to say what might be the traffic by this route if it should be a success I venture to predict that if this work is a success in a very few years afterwards there will be a double track, the commerce will be so great and the advantages so decided to the Dominion. But at all events, I do not see why, under all these circumstances, the great expectations which are held out to the Maritime Provinces to have a Baie Verte canal should result in disappointment when we can accomplish a work which is at least equal to the Baie Verte canal —I do not see why the Senate of Canada should step in and interfere and reject this bill which does not impose any additional burden upon the people.

HON. MR. ALEXANDER—It guarantees on a large amount of capital.

HON. MR. BOTSFORD—I support this bill and believe it may return out a most advantageous measure for the interests of the whole Dominion.

HON. MR. DEVER—I regret exceedingly that I have to differ from my young friend from Halifax, because I never like to be one of those who make so great an opposition to one individual. It would appear from this debate that there is only one member from the Martime Provinces who opposes the measure, but I attribute that to the fact that the hon. genrleman is a Halifax man and Halifax, I always understood, was against this canal. If I remember well under the Mackenzie Government there was half a million dollars placed in the estimates for a work of this nature, but through the power and influence of Halifax, represented in that Cabinet, a commission was appointed.

HON. MR. POWER—There was no Halifax man in the Cabinet then.

HON. MR. DEVER—Mr. Jones was.

HON. MR. POWER—No.

HON. MR. DEVER—Well he had large influence with the Government. Owing to the influence of the City of Halifax, a Commission was appointed and two of the Commissioners brought in a majority report. I regret exceedingly that my young friend was not fair enough to state that there was a minority report too, in favor of this canal, one that equally divided the influence of the country as to the desirability of this work. However the point is this: This canal or ship railway, if it can be carried out—and I trust it will—will be a wonderful benefit to the commerce and trade of the eastern shore of Nova Scotia.

HON. MR. KAULBACH—Not the eastern shore of Nova Scotia.

HON. MR. DEVER—Yes, the eastern shore of Nova Scotia, the Straits of Northumberland, Prince Edward Island, the Baie of Chaleur, the Gulf of St. Lawrence and even the St. Lawrence itself as far up as Quebec. If hon. gentlemen will allow me to draw a picture of a greater stretch of water, in the Ottawa here, where barges and crafts of various kinds have to be taken to the St. Lawrence.

HON. MR. POWER—That would be a curious barge route.

HON. MR. DEVER—Well, it is a barge route. Just imagine you had to go from here to Montreal before you could get into the St. Lawrence and then ascend the St. Lawrence by Kingston instead of going across by the Rideau Canal. That is about similar to the route of which we are speaking. Instead of going across the isthmus, a short distance to the Bay of Fundy and thence down the coast of Maine, a vessel has to go around by Cape Sable and follow the shore of Nova Scotia to St. John, thence proceeding to the ports of Maine and Massachusetts. Another illustration is the trade going around Cape Horn to get to the North Pacific, instead of going by way of the isthmus, or Panama Canal, when finished. In fact it is going around the peninsula of Nova Scotia some five or six hundred miles, whereas the same trade and commerce could be carried by this proposed route at Baie Verte, which is only sixteen miles across, from water to water.

HON. MR. POWER—Will my hon. friend be good enough to give us some figures to show what the trade is that he wishes to go around, and then he will be in a better position to judge of the value of a railway?

HON. MR. DEVER—The fishing trade, oats, barley, potatoes—the whole trade of the Gulf of St. Lawrence and a very large portion of the trade of the St. Lawrence itself would naturally go in this direction, and would perpetually continue to increase, in my opinion. I would also say that I think my hon. friend is somewhat inconsistent. He is strenuously in favor of free trade with the United States, yet when an opportunity is given to increase our trade with that country he is the first man in the House to try to obstruct the measure.

HON. MR. POWER—Where is the free trade?

HON. MR. DEVER—Why the coasting trade. I think the matter has been debated by my hon. colleague from New Brunswick so forcibly that it is hardly necessary I should say any more than to add that for twenty years since Confederation every succeeding Government has favored this measure. To give my own private views on the subject, I would prefer that a canal should be constructed, if we had the means; but inasmuc has the several Governments have failed to see their way clearly to take hold of this scheme as a Government work and construct a canal, I think it will be wrong on the part of the Maritime members to oppose a measure now which offers such fair terms as this marine railway has brought to us. I will, therefore, support the Bill.

HON. MR. ALEXANDER—I was not very much surprised at the tenor of the remarks of the hon. gentleman who introduced this Bill.

HON. MR. BOTSFORD—The hon. Mr. Abbott introduced it.

HON. MR. ALEXANDER—I beg the hon. gentleman's pardon; I allude to the hon. member who was addressing the House when I entered the Chamber—the hon. gentleman from Sackville In every position which he takes in this House, he is always distinguished by a noble and disinterested principle. He never, when any independent members of this House endeavor to express their views in the interests of the people, rises to questions of order. He is always ready to give assistance to those who are endeavoring to aid the Government in doing what is right. He appears to-night as the supporter of a bill of a public character. He speaks of the marine railway bill as a bill of public interest. It is a bill which is going to benefit the whole Dominion—to benefit Quebec, Ontario, the North-West and British Columbia. It is to bring a large trade to the Bay of Fundy—into the Gulf of St. Lawrence and to the Baie des Chaleurs. We are to have steamers and vessels from New York City, from Portland and Boston, and everywhere coming over this marine railway. I believe this railway has been characterized by many members of the press as a most stupendous job. I am not going to characterize it as such—because the projetcor, Mr. Ketchum, is a personal friend of my own; but with regard to the hon. gentleman promoting the bill, and the members of the government prompting the bill at a time when the country is loaded with a debt of $228,000,000, it is not to be looked upon as the hon. gentleman from Sackville views it, as a mere trifle. I believe the hon. member lives near that section. He lives, perhaps, on the very territory through which this railway is to be built; and because he lives there, of course this railway is a public benefit. Let me call attention of hon. gentlemen to this point; I have often blamed Sir John Macdonald because of his acceding to the wishes of different members of parliament in these matters; but it only shows to us that I have blamed Sir John Macdonald very unfairly and unjustly. There is such a pressure from righteous and just and good men like the hon. gentleman brought to bear upon him to aid such works as this, that I can quite understand how the first minister is ground, surrounded as he is, and crushed and pressed by such men as the hon. gentleman from Sackville, has to submit. How can we blame Sir John?

HON. MR. BOTSFORD—The hon. gentleman accuses me of trying to influence Sir John and the Government with respect to this work. I state, on my sacred honor, that I never had one word with Sir John or with any member of his Government with respect to this work from first to last. I look upon it as a public work, and never attempted to interfere in any way.

HON. MR. ALEXANDER—I merely desire to add a few words. If we are to carry on this Government in the public interest, such gentlemen as the hon. member who has just taken his seat must give up all those selfish interests—building marine railways here, building railways there, and everywhere; we must act in the public interest. It is the cultivation of this selfish spirit on the part of every county and every province that has brought about that general demand upon the Government which they cannot resist; and I am free to acknowledge that I blamed Sir John Macdonald often very unjustly, because they threatened "if you do not give us money for this work or for that work, we will vote against your Government; if you do not give us money for all the railways in Quebec, we will vote against you; if you do not do away with the monopoly in Manitoba, we will vote against you; if you do not give us competing lines, we will vote against you; if you do not give us a harbor here, and a breakwater there, we will vote against you." Where is the country to end if we have not a Government that will be supported on its merits by an independent body of gentlemen such as those by whom I am surrounded, who will put down their foot upon this slavish system and declare that we will simply vote for that which is in the public interest? Let us crush all selfish demands: let the Senate enoble itself by taking this posi-

tion: If the the House of Commons choose to adopt all those visionary schemes that cannot be of any benefit to the country, and will only increase the burdens of the people until they break up confederation, let the Senate, an intelligent noble body of men, independent in fortune, independent of the people, with no elections to meet, stand ready to-day and say "we will from now, henceforward, vote only for that which is in the public interest. We will put down all the selfish claims of Quebec, of Ontario, of Manitoba and of the Maritime Provinces, and of the hon. gentlemen who comes here, I fear with very weak claim upon the attention of the House. If there is any claim brought to the attention of the House which is weak, with a country in debt to the extent of $228,000,000 it is this claim which is now before us. It is lamentable to see a gentleman like the hon. member from Sackville in the sear and yellow leaf—probably he and I may never return to the floor of this House—advocating such a scheme as this, which the whole country pronounces as a job.

HON. MR. MACFARLANE—The hon. gentlemen's remarks show that he does not understand this matter at all. I think he scarcely knows where the Bay of Fundy is, or that he is acquainted with the isthmus that divides the St. Lawrence from the Bay of Fundy. I am quite satisfied that if he knew the benefits that would, in all probability, flow from the construction of this important work, he would not deal with the question in the way he has done. What are we asking for? It is not new legislation by which we ask the Senate to commit this country to the expenditure of a large sum of money on a work of doubtful character. We are simply asked that the legislation, which the hon. gentleman assisted in passing through this House in previous years, be so amended as to enable the Government to carry out their part of the contract in good faith. The scheme of constructing a railway is a good one and the gentleman who is promoting it, Mr. Ketchum, has committed himself to carry it out. He has worked in season and out of season, has spent his money and has got his arrangements so far completed that he is satisfied that he will now be able to put the work under construction, and he asks us what? To grant him an additional sum of mony. Not at all, but merely to give him one year's extension of time to enable him to carry out the pledged faith of Parliament, upon which he has been up to this time conducting his arrangements. Would it be just, or fair, or honest on the part of Parliament to refuse the legislation we are now asked to pass? I am not going to dwell on what will be the ultimate benefits to be derived from the completion of this work. The hon. gentleman from Sackville has shown the opinions of boards of trade and of legislative bodies as to the benefits of this proposed work. It is well known that the construction of the Baie Verte Canal was one of the works pledged to the Maritime Provinces when Confederation was entered upon; and the construction of the railroad is merely an expenditure of one-half what it would have cost us had the original scheme of the canal been carried out.

HON. MR. DICKEY—That was all to have been paid by the Government?

HON. MR. MACFARLANE—Yes, the only persons that possibly can suffer will not be the Dominion government, because the government incur no risk. If the work should prove to be a failure, as the hon. gentleman from Halifax prophesies it must be, then we pay nothing. If they fail after a year, and the work does not answer the purpose for which it is designed, and will not transport vessels safely on the waters of the St. Lawrence and Bay of Fundy and vice versa, the country is not committed to anything. But I say we are bound to keep our pledge to the gentlemen who are engaged in this work, and if it were for no other reason, I say it would be an act of injustice to those gentlemen who have spent their time and money in bringing the scheme to the position it is now in to refuse this legislation; and I should alter very much the opinion I have entertained of the good faith of this Senate if we were to be led astray by the re-

marks of the hon. gentleman from Halifax and other gentlemen who entertain hostile feelings towards this project. It has been well known that the feeling of the hon. gentleman from Halifax, does not represent the feelings of a great body of the people of that city on this question. The hon. gentleman knows very well that the late Judge Haliburton was a warm advocate of the Baie Verte scheme half a century ago, and even after Confederation, when arrangements were being made for carrying the scheme into effect, he had his plans which had been prepared by himself and Mr. Fairbanks, and eminent engineer, and I was pressing very strongly upon the Government of the day the feasibility of the scheme. I am quite satisfied that very few hon. gentlemen in this House will refuse to sanction the Bill which is now before us, and which I firmly believe is a measure that will be in the interests of the Dominion.

HON. MR. HAYTHORNE—As the work which this Bill refers to was sanctioned by Parliament several years ago, and was preferred to the rival work, the Baie Verte Canal, it seems to me, the matter the House has to decide this evening is not the merits of the rival works, but whether they will give the parties who hold this Act of Incorporation what they ask for or not. For my own part, I should have greatly preferred on this occasion, as on a former one, that the point we had to decide was in favor of the canal rather than of the railway. I remember the time the question was before the House, I was disposed myself to prefer the canal to the marinerailway, for several reasons. One of those reasons still remains, and that is, that although several years have elapsed, this project still wears the air of an experiment. The last time it was before the House it occupied a better position than it does now, for at that time a gentleman of some notoriety in America, Captain Eads, had a fair prospect before the people and the Government of the United States of carrying out a work of this description, namely the opening of communication between the two great oceans of the globe, the Atlantic and the Pacific. In that way his undertaking was also a rival to the more homely yet more substantial work that was under the protection of the celebrated French engineer Delesseps ; we hear very little now of that proposed ship railway ; still it appears that the gentlemen interested in this measure are not prepared to let it die a natural death, although no sod has been turned, as far as I know, and no preparations have been made for construction further than taking levels of the neck of land which separates the Gulf of St. Lawrence from the Bay of Fundy. Whether the hon. gentleman from Halifax has divined the real and true reasons which have given a new impetus to this measure or not, I cannot undertake to say ; but I do not think I could very properly oppose this measure now. Its principle has been adopted, and I hardly think that Parliament would under those circumstances refuse a concession of this sort to any individual who was about to make a *bona fide* attempt to carry out a public work of this description. True, I would have preferred a canal there, and perhaps very little has been said about the great difficulties which beset this undertaking. Not only will difficulties of access be experienced at both its terminii ; the cradle on which the vessels must be placed in order to lift them from their own proper element on to the lines of railway must, of course, be in still water and well protected from heavy seas and all dangers of that kind ; but supposing this to be successfully accomplished, then we have another experiment to try in the shape of conveying a loaded ship of considerable burden over a line of railway nineteen miles in extent. The country there is particularly favorable for such an experiment as this, for we must admit it is an experiment, conducted on a large scale. My hon. friend referred several times to the success of railways of this character which were designed rather to convey barges than ships, but I conceive that the lifting of a barge and placing it on a railway constructed for the purpose is a far less serious undertaking than the lifting of a steamship of eight or nine hundred tons, containing a valuable cargo. I do not profess to offer an opinion as to the effect

on the vessel, but I have heard owners express the opinion that they would hesitate long before trusting a vessel of theirs in such an experiment. Under ordinary circumstances, if we were dealing with the waters of a region far south of us, and which are not frozen for several months in the year, and not incumbered with ice until late in the spring—sometimes until the month of June, and which renders other ports in the vicinity unavailable for commerce until within a measurable distance of the longest day, the scheme would appear more feasible. It is well known that the commerce of Prince Edward Island is conducted, to a great extent, between Summerside and Shediac. There we have communication by steamer through the open season of the year, but some years the port of Shediac is so blocked with ice that that commerce does not commence until a late period in May; and the entrance of this artificial harbour where this delicate operation of taking a ship out of the water and placing her on the rails is so near Shediac, we must expect very similar circumstances to prevail there. As to the interest which Prince Edward Island people have in this scheme it is possible that they may send their craft over the railway if they are bound to ports up the Bay of Fundy, or to the ports of Boston or New York. I believe that on the whole, it will be better and safer, if the head waters of the Bay of Fundy which are perhaps rather shallow and difficult of navigation, do not present an insuperable obstacle; but this I will say, that certainly this proposition for a marine railway does not occupy a very prominent position in the minds of the people of Prince Edward Island. No doubt many of them have heard of it, and many of them would be prepared to ask "what has become of that scheme?" We can tell them what has been done during late sessions of Parliament, but what has been done since we do not know. There is one aspect of this proposal which I regard with some satisfaction, because looking at the arguments which have been used in favor of it, as urged by some hon. gentlemen who tell us that in adopting this measure the House was fulfiling, on the part of the Dominion, an undertaking given previous to Confederation that a work of this kind should be completed; only at that time it took the form of a canal. When the proper time comes, it will afford the hon. gentleman from Alberton and myself an admirable opportunity of claiming the fulfilment of certain terms of Confederation as between the Dominion Government and our province; and as the expense is so small an object in comparison with the necessity of carrying out Dominion obligations, whether real or imaginary, I think we shall have a pretty strong argument to adduce in favor of requesting the Government to do all that can be done to carry out the real terms confederation which were made so many years ago with the Province of Prince Edward Island. In that light I am rather disposed to hail this afternoon's debate with some satisfaction, and I hope before the end of the session, when I shall have an opportunity of asking the leader of the Government some questions with regard to what he proposes to do with respect to communication with our island, we may hear the same arguments advanced that were advanced in favor of this railway.

Hon. Mr. ABBOTT—I do not propose to detain the House by making a speech on this Bill, but I wish to put myself right with regard to its position. I had not been spoken to by any of my colleagues on the subject, and I was not aware that it was a Government bill. My stating that it was not a Government bill did not arise from any disinclination on my part to support the Bill, but from the fact that I supposed somebody representing the promoters of it would take charge of it. I have ascertained since I proposed the second reading to-day, that it is a Government bill, and I am quite as prepared to support it in my capacity as a member of the Government, as I am disposed to support it as a private member of this House. Now, with reference to what has passed, the information which my hon. friends from the Maritime Provinces have given with respect to the Bill, supplemented by what this House already knows about it, renders it unnecessary for me to enter into any explanation about it. The difficulty which the hon gentleman from Prince

Edward Island has just referred to, has been dealt with by engineers. I do not pretend to be able to decide those questions myself, but the Bill as I understood it when I voted for it some years ago as a member of the other House, and as I understand it now, is the result of a favorable arrangement by the Government of the country, for a mode of crossing this peninsula. As hon. gentlemen are aware, there was an informal understanding that there should be a means afforded of crossing the isthmus, which was in the first instance intended to be a canal. That canal was estimated at first as costing $5,000,000; but on further investigation it was found it would cost $10,000,000, and we are making a very valuable exchange for the canal in the construction of this railway, if it will perform the service for which it is intended, as I have no doubt it will, considering the reports of eminent engineers on similar constructions elsewhere. But in what kind of a position would we be placed if we were to refuse now to sanction this Bill? We certainly must have considered when we passed this charter in 1882, that it was for the advantage of the country to pass it. Parliament must have believed then that it was a work for the advantage of the country.

HON. MR. POWER—For the advantage of the Conservative party.

HON. MR. ABBOTT—When the last act was passed, accompanied by the indentures between the parties, the House must have believed it was for the advantage of the country. My hon. friend says we are asked to pass it because there is to be an election. I think my hon. friend ought first to show that it is not a Bill that should pass on its merits, and then if he wanted to have a fling at the Government, it would be appropriate to say that they are promoting a Bill before this House which is of no use, simply because there is to be an election. Before he can make that objection to the passage of the Bill, he must first show that it is not a good Bill in itself, and then he may be in a position to attribute what motives he pleases to the Government. But if the House believed in 1882 and then again in 1886, that this was an advantageous arrangement for the country, and saves the country a large amount of money in fulfilling its obligations to Nova Scotia, what change has taken place—what have we learnt and what has been told to us, to lead us to believe that it is no longer advantageous to the country? The Company now desire no further priveleges from us than we voted to have in 1886, expect an extension of time, which I think is almost unprecedented for this House and for Parliament to refuse where the object to be attained is to be an advantageous one to the country. I say we should stultify ourselves if we refuse to pass this bill. We could only do it on the ground that it was not an advantageous thing to do; and this, after having twice pronounced that it was an advantageous thing. Under the circumstances I hope the House will grant the small favor asked by this company—an extension for a year, and a further extension if necessary, upon terms which if it is not going to be a successful enterprise will not impose any burdens upon the country.

The motion was agreed to and the bill was read the second time.

SECOND READING.

Bill (30) "An Act authorizing the town of Kincardine in the county of Bruce to impose and collect certain tolls at the harbor in the said town." (Mr. Read.)

INDIAN ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (106) "An Act to further amend the Indian Act, chapter 43 of the Revised Statutes."

In the Committee,

HON. MR. POWER—There was no explanation given of this Bill at the second reading, and I think the Minister ought to tell the Committee what the Bill proposes to do.

HON. MR. ABBOTT—The object of the Bill is really to regulate details. It deals with no special principle, but is constructed for the purpose of facilitating the operation of the Indian Act as it stands. Sub-section one, of section 13, which has been substituted for sub-section one of the former Act, makes a slight change in the form in which the withdrawal of half-breeds from participation in grants shall be made. It is proposed to modify the existing Act in this way: that a half-breed shall be premitted to withdraw from a treaty on obtaining the consent of a Commissioner or the Assistant Commissioner; and then this withdrawal, if carried out, is necessarily made to effect his minor children, as reprsenting him. The sub-sections which are added to section forty-three are intended to facilitate and make valid the transfer of lands which are sold for taxes, that is to say lands not belonging to Indians, but lands which have been in the hands of the Government or of some individual in trust for the Indians, which the Government have a right to sell, and having agreed to sell, they have passed into the hand of a third party, but without being fully paid for, or conveyed by deed to the purchaser: The price being for the benefit of the Indians. In such cases there has been difficulty in giving titles to purchasers under tax sales, and this is to enable that to be done in a proper manner. Section ninety-four is changed in a very slight degree. It is to extend the penalties for selling intoxicating liquors from the person who actually sells, as is the case at present, to the person who sells either by himself or his agents, which, of course, everyone will recognize is a proper amendment. I think the rest of the Act with the exception of the erasure of the word "stipendiary magistrate," is exactly the same as a former Act except that the order of it is changed. There is a clause added for the purpose of enabling the penalties or forfeitures, instead of being paid over to the Minister of Finance, to be paid to any provincial or local authority for local purposes.

On the fourth clause,

HON. MR. POWER—I think it is quite right, no matter how little is sold to the Indians, that the person who owns the liquor and benefits by the sale of it should be punished; but I wish to ask the Minister whether he does not think the penalties are too high—that the weight of the penalty tends to prevent convictions. I know that it has been our experience in the lower provinces, where the penalty for selling liquor to Indians is found too large.

HON. MR. ABBOTT—I understand that it is absolutely necessary to impose severe punishment in those cases because the offence is very prevalent, and it is very difficult of detection. It is much more difficult in this extensive tract of country than it would be in one of the older provinces; and, after all, the imprisonment is for a term not exceeding six months and not less than one month, so that the magistrate would have it in his discretion to punish within those limits. So also with the money penalty. The maximum fine is $300, and $50 the minimum, and $50 is about the penalty inflicted on persons for selling liquor without license in our own towns.

Before passing this clause I should like to strike out in the 11th line the words "stipendiary magistrate." They have been left in I imagine, by accident, because there are no longer any stipendiary magistrates in the North West.

HON. MR. POWER—What harm will it do to leave the words in?

HON. MR. ABBOTT—Because there are no stipendiary magistrates.

HON. MR. POWER—May they not have stipendiary magistrates in some of the Provinces.

HON. MR. ABBOTT—There are no stipendiary magistrates in the North-West Territories of Manitoba.

HON. MR. GIRARD—I think the penalty cannot be too much under such circumstances. Any one who will go into a reserve to sell liquor to the Indians cannot be punished to heavily. This is not a new provision of the law. The same penalty was imposed by the old

law which is amended by this Bill. No one can do so much harm to the Indians as the man who gives them liquor. The offence should be punished not only by fine, but by expulsion from the locality where the offence was committed, or from any Indian reserve either in Manitoba or the North-West. To give liquor to the Indians is to destroy all hope of improving them. If they are kept free from the influence of intoxicating drinks they are intelligent and disposed to be honest and upright. It is only when they take liquor that they become bad and depraved. I would direct attention of the leader of the House to the provision here for recovering the penalty. In certain parts of the Dominion the evidence of the informer must be corroborated by the evidence of another witness: in other parts the evidence of the informer alone is sufficient. Sometimes the informer may not be known a credible witness as he gets half the fines: that is a temptation to him to secure as many convictions as possible. There should be a witness to attest the credibility of the informer, otherwise there would be a danger of perjury. We make laws for the peace and order of society, but with a provision like this in the law you will cause trouble among the Indians. I do not ask that the Bill be amended, but I am sure the leader of the House will accept my suggestion, or at least will consent to amend the clause by striking out the words "Province of Manitoba," and add to the seventeenth line, after the word "person," the following: "which fact will be attested under oath by a person knowing the informant."

HON. MR. MILLER—The defendant could show that the witness was not a credible person; then evidence would be required that he was a credible witness.

HON. MR. ABBOTT—Not only that, but there is a clear distinction made here between the single witness, that is to say the informer, and the informer corroborated by another witness. He is required to be a credible person. It means that the magistrate must satisfy himself that the informer is a person who can be depended upon. It is obvious that he might know him to be a credible person in many ways. He might be a person holding such a position as would justify the belief that he was a credible witness—for instance a constable or somebody holding an office to which no one but a trustworthy person is appointed. It would injure the bill to provide that only one particular way of ascertaining the credibility of the informer could be availed of. If it is left to the magistrate's discretion, and the responsibility thrown on him—not making this an exception to the general rule—the magistrate will take care to ascertain that the witness is reliable. Then as my hon. friend from Richmond said a moment ago it will be quite competent for the defence to show that he is not a credible witness. If there is any objection to his testimony it will be competent for the defendant to show that he is not such a person as falls within the language of this section. I think it would rather impair the value of this clause if we were to alter it in any respect. It is true that Manitoba is better settled that the North-West Territories, but there are large tracts in Manitoba where it might be difficult to find corroborating witnesses to such facts. I am sure the hon. gentleman would regret more than anyone else if justice were defeated in Manitoba by requiring two witnesses to prove an offence that might be effectually proved by one.

HON. MR. DICKEY—In any case, it would have to be left to the discretion of the magistrate, because the law requires that the informer shall be a credible witness, and the magistrate must satisfy himself on that point.

HON. MR. POWER—I do not know what Justices of the Peace in Manitoba and the North-West Territories are like; but unless they are of a superior character to those in some of the other provinces, I do not think much should be left to their discretion. These cases, as I understand, are to be tried chiefly by magistrates; they do not come before judges, and I doubt the wisdom of leaving much to the discretion of the ordi-

nary magistrate. I rise principally for the purpose of calling the attention of the leader of the House to the fact that the amendment which he proposes, is not an amendment which should be made; because this clause of the Bill does not refer solely to the North-West Territories, but to provinces as well. The Indian Act deals with the Indians all over the country and with the selling of liquor to Indians. Take the Province of Nova Scotia; as a rule, the liquor is sold to the Indians in towns: in all the towns of Nova Scotia there are stipendiary magistrates, the very officers before whom the case would be tried, and to strike out the words, "stipendiary magistrate" in this clause, would interfere very seriously with the course of justice in these places, while leaving it as it is, can do no harm in the places where there are no stipendiary magistrates. I think it would be better not to meddle with the clause as it stands.

HON. MR. ABBOTT—Does my hon. friend say that there are sipendiary magistrates in New Scotia?

HON. MR. POWER—Yes.

HON. MR. MILLER—We have power to appoint them in Manitoba.

HON. MR. ABBOTT—Yes, but not in the North-West Territories. I spoke under instructions from the Department of Justice but there may be some mistake and I would allow the clause to remain as it is and at the third reading I would propose to strike out these words if it should be necessary.

HON. MR. SCHULTZ—I quite concur it the Bill as it is. I believe if there is an error likely to be committed we are on the safe side in the provision. We must recollect that we are not dealing with the Anglo Saxon or Gallic races. We are dealing with a people who are pure Mongolians, and we all understand the effect of liquor on that race, how utterly it demorilizes them and how hard it is to keep them from it when there is an opportunity of getting at it at all. Therefore, I would rather see the pains and penalties in this clause doubled than changed, and I am quite sure the hon. member from St. Boniface will agree with me, because we were both members of a body which enacted the first prohibitory liquor law in the North-West Territories. I am not lawyer enough to know what the meaning of the word "intoxicant" is exactly, that is what percentage of alcohol must be in the liquor to mean that. I ask this question because the liquids in use in the Indian country are numerous. In the early days Perry Davis' pain-killer was very much in use, when the Indian could not procure whiskey. Now, the medical members of this House know that this pain-killer consists of two parts of tincture of capsicum, one of opium and one of camphor. None of these separately can be called intoxicants, yet you have all heard that in social gatherings in the North-West, where they fail to get liquor, one of the beverages sent around is the Pain-killer cocktail. Then red ink is sold to the Indians; tincture of ginger also containing of course a large proportion of alcohol, and Eau de Colonge has been used, as well as Radway's Ready Releif, extensively by the Indians in that way. I wish to know whether the word "intoxicating" would cover such articles as make Indians drunk and furious such as Perry Davis' Painkiller.

HON. MR. POWER—The word "intoxicant" is defined in the original Act:

"All spirits, strong waters, spirituous liquors, wines or fermented or compounded liquors or intoxicating drink of any kind whatsoever, and any intoxicating liquor or liquid or fluid, and opium and any preparation thereof, whether liquid or solid, and any other intoxicating drug or substance, and tobacco or tea mixed or compounded or impregnated with opium or other intoxicating drugs, spirits or substances, and whether the same or any of them are liquid or solid."

HON. MR. MACDONALD (B. C.)—There is one objection to making the penalty too high. It fills our jails. If the fine is too great, it is not paid, and the offender goes to jail. Now it is far better to have the fines paid than to send these people to jail, where we have to feed and maintain them at the public expense.

The clause was adopted.

On the 132nd clause.

HON. MR. POWER said—This is a new clause. It provides that the penalty which under the existing law would belong to the Government for the use of the band of Indians, may by the Governor in Council be paid to any provincial, municipal or local authority. If the Governor in Council make a general regulation to the effect that in any Province or Territory these fines shall be paid to any municipal or local authority that is a proper provision; but if the Government are going to step in and say that in the case of particular fines money shall be paid to the local authorities I think it is undesirable. It is not advisable that the Dominion Governor in Council should interfere in matters of that sort.

HON. MR. ABBOTT—The Indians have no claim to the money. It is a fine paid for a breach of the law and they have no claim to it, and the provision made by the Governer-in-Council would undoubtedly be a general one. The Governor-in-Council would never dream of intervening in every particular conviction. It would be a general rule such as my hon. friend speaks of.

The clause was adopted.

HON. MR. OGILVIE, from the committee, reported the bill without amendment.

NEW YORK, ST. LAWRENCE & OTTAWA RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. McCALLUM moved the second reading of bill (72) "An Act to incorporate the New York, St. Lawrence & Ottawa Railway Company."

He said—This is a bill to incorporate a company to build a railway from a point near Ottawa to the town of Brockville, or to a point on the Brockville, Westport and Sault Ste. Marie Railway.

The motion was agreed to and the bill was read the second time.

THOUSAND ISLANDS RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (84), "An Act to incorporate the Thousand Islands Railway Company."

He said: This is a Bill to merge two railways into one. There is some little opposition to it but as it is to be referred to the Committee on Railways, Telegraphs and Harbors the subject can be dealt with there.

HON. MR. ABBOTT—I do not think there will be any opposition to my hon. friend's bill, but there may be opposition to some of its clauses. It is an extraordinary measure. It is a small company, incorporated by the Ontario Legislature which absorbs a large company, which I think has been incorporated by this Parliament. A company owning a charter to build a line a few miles long absorbs a company chartered to build a railway to James Bay. It is not the larger including the smaller, but the smaller including the greater, and there are clauses which confer upon this company, so formed, a vast number of powers which I know our ordinary charters do not contain, and I doubt if our House would sanction when its attention is called to it. With this remark the Bill may be read the second time and referred to the Committee on Railways.

The motion was agreed to, and the Bill was read the second time.

THE GREAT MACKENZIE BASIN.

MOTION.

HON. MR. SCHULTZ moved the adoption of

the Fourth Report of the Select Committee appointed to examine and report as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east

of the Rocky Mountains and west of Hudson Bay, comprising the Great Mackenzie Basin—its extent of navigable rivers, lakes and sea coast, of agricultural and pastoral lands, its fisheries, forests and mines.

HON. MR. ABBOTT—This report, I understand, provides for a certain additional payment, the engagement of the clerk, about which there were some few words at the beginning of the session. I think my hon. friend makes out a very good case for the additional payment, and I hope it will not extend beyond the time he mentioned to me—some fifteen days.

HON. MR. SCHULTZ—Yes, it will be about 15 days.

The motion was agreed to.

HON. MR. SCHULTZ—My hon. friend from Richmond suggested that there had been a want of proper reference on the part of the Committee to enable us to print in the third report the evidence submitted with it. If it is proper for me to do so, I should like to to have the evidence, which was submitted with the third report and made a part of that report printed.

HON. MR. MILLER—In looking over the report I find no instructions to the Committee to report the evidence.

HON. MR. ABBOTT—I suppose the evidence has been laid on the table of the House.

HON. MR. SCHULTZ moved that the evidence submitted with the third report of the Committee and laid on the table be printed in French and English.

The motion was agreed to.

The Senate adjourned at 10 p.m.

THE SENATE.

Ottawa, Tuesday, 8th May, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (86) "An Act to authorize the construction of bridges over the Assiniboine River, at Winnipeg and Portage La Prairie for ferry and passenger purposes."

ST. CATHERINES AND NIAGARA CENTRAL RAILWAY BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (61) "An Act respecting the St. Catherines & Niagara Central Railway," with certain amendments.

He said—This Bill is to make the powers given by Provincial Acts of the Province of Ontario, applicable to this and to bring this Bill under the operation of the General Railway Act. The first amendment is in the third clause. This portion has been struck out, "and it is hereby declared that the said provisions from section 14 to section 39, both inclusive, "have been to the extent aforesaid, applicable to the said railway, from and after the passing of the said Act of the Parliament of Canada, in the fifty-first year of Her Majesty's reign." That gives them the power which they ask to be brought within the operation of this section of the Railway Act, but they went further and desired us to give that Act a retroactive effect, so as to apply to proceedings which were had before they had that power. This was open to the objection of being obnoxious retroactive legislation, and it was struck out. The next amendment was of the same character and occurs in the 6th clause, where it stated, with regard to these powers, that they shall be in all respects deemed and held to have been legally valid and binding in the same manner. So, to make it conformable, we struck out the words "and to have been." A clause has been added stating that nothing in this act contained shall interfere with any litigation heretofore had or anything now pending. These two last amendments were agreed to by the gentleman who had charge of the bill in the House of Commons, and who appeared be-

fore us, and I apprehend that logically they will support the other amendment, which is of a more sweeping character. There is an amendment also in the title of the bill, made necessary by the fact that there is already on our statute book an Act passed only last year, with precisely a similar title, and to prevent confusion it was thought better to make this a bill to amend that Act, so they will not clash. Therefore, the words "Act to amend the Act respecting the St. Catharines and Niagara Railway Company" now form the title of the bill.

HON. MR. McCALLUM moved the concurrence in the amendments.

The motion was agreed to, and the amendments were concurred in.

HON. MR. McCALLUM moved the third reading of the Bill as amended.

The motion was agreed to, and the Bill was read the third time and passed.

THE SAW-DUST NUISANCE.

MOTION.

HON. MR. ABBOTT—With the permission of the House I am prepared to move for the committee, which I suggested yesterday, with respect to the saw-dust nuisance in the Ottawa. I may say that the session is so far advanced and the season is so far advanced that there is not much time to be lost. The Government have power under the existing law to do what is needed and what will be done will depend largely upon the report of the proposed committee. I am prepared to move for the Committee if the House is willing. I therefore move

That the Honorable Messieurs Smith, Scott, Pelletier, Miller, Ross, (de la Durantaye), Macdonald, (B.C.), Clemow, Botsford, Haythorne and Glasier, be appointed a Committee to enquire into and report upon the extent and effect upon the Ottawa River, of the deposit therein of saw-dust and other refuse of saw-mills upon its banks, the expediency or necessity for preventing such deposit, and the measures requisite for that purpose; with power to send for persons and papers.

I hope the hon. gentlemen who are mentioned in this Committee will consent to act. I have not had time to consult with them, but I have named gentlemen, representatives from every part of of the country and who are familiar with the lumbering business.

HON MR. POWER—I do not rise for the purpose of opposing the appointment of the Committee. I think that the purpose for which the Committee is to be appointed is a very good one. I merely rise for the purpose of calling attention to the fact that this work which is proposed to be delegated to a Committee of this House is really work which the Government should do themselves; and I do not think it is desirable that the responsibility for this work should by the Government be thrown on a Committee of this House. The Government have a department under whose jurisdiction this work would properly come. They have engineers and other officers who are in a position to make the proper and necessary investigations: and they ought to have, if they make the proper use of their time, ample opportunity during the recess of Parliament to make the enquiry which is necessary. But it is simply a piece of the practice which the Government have pursued ever since they came into power. While taking the salaries which a grateful country gives them for their supposed services, and while largely increasing their expenditure and the staff in all the departments of the public service, they have made a practice whenever any important work is to be done—work in which any enquiry of an elaborate character is involved—of appointing either a commission, which costs a large sum, or, as in this case, a Committee of this House, which fortunately will not involve much expense. I think that practice of the Government is to be deprecated. The Government are a Committee appointed by Parliament for the purpose of discharging, particularly during recess duties which cannot be performed by Parliament; and I think the Government ought to do that work instead of delegating it to committees of Parliament and paid commissions. If the various members of the Government, during recess,

instead of floating about all parts of the Dominion, and visiting the Old Country —again at the expense of a grateful country—really attended to their duties here in Ottawa and looked after the business of their departments as any private business man would look after his affairs, then we should not have the appointment of those committees and commissions, but the work would be done cheaply and efficiently by the various departments, whose duty it is to do it.

HON. MR. ALEXANDER—I regret exceedingly that the hon. gentleman, whom I had the honor on some occasions—not always—to call my leader, has considered it his duty to disapprove—

HON. MR. POWER—I don't disapprove.

HON. MR. ALEXANDER—I understood him to disapprove of the committee named by the leader of the House.

HON. MR. POWER—I have not disapproved of it.

HON. MR. ALEXANDER — I am sure that no action of the government could be conceived in better judgment. We have in the Senate several members who have had large experience in lumbering on the Ottawa and other rivers and they are far better calculated to deal with this question than the members of the executive government. If the members of the executive had to deal with it they would have to send for those very gentlemen whom the leader of this House has named on this committee, and I have no doubt that in a very short period of time they will be able to deal with the matter in a practical way. They know from past experience, why the saw-dust and slabs have been thrown into the river and they will cheerfully aid the government and the country will approve of the action now taken by the leader of the Senate.

HON. MR. DEVER—I really think there is a good deal in what the hon. gentleman from Halifax has said with reference to this Committee. Every gentleman in this House must admit that the members nominated for this Committee are highly respectable and worthy men, but I fail to see that such men can be competent judges of the work required in so short a time as will elapse before the prorogation of Parliament. Inasmuch as they are not engineers—though it is true that there are one or two of them who are citizens of Ottawa and familiar with the locality–it strikes me that the Government would be the proper parties to make this investigation, having officials here, and having engineers who are competent to investigate such matters and report scientifically to Parliament or to the Government, so that the proper redress can be had. Besides it cannot be denied that there are members in the present Government who are only fit for such duties. I believe that there are members in the present Government who could be very properly delegated for the purpose of investigating this matter. I also think the public servants, engineers and officials might give a very efficient report. Without a sctienific report of that kind I am impressed with the idea that no report emanating from the members of this House will have that force necessary to give weight to the finding that may be reached.

HON. MR. ABBOTT—With regard to the remarks of my hon. friend the senior member for Halifax, I do not propose to go into a discussion of the very broad subject which he broaches in criticizing the action of Ministers in, as he said, wandering about the country amusing themselves during vacation. I hope my hon. friend at some day—at no distant day—will occupy a similar position himself, when we shall have an opportunity of criticizing him, and I hope for his sake not with more justice than he has criticized my colleagues on this occasion. However as to this Committee, and the duties of the Government, I do not believe that the members of the Senate will sympathise with my hon. friend in his objection to this mode of ascertaining facts connected with subjects of this description. To my mind the members of the Senate are by their position and experience in such matters, eminently qualified to examine into questions of this description. A

body like this has peculiar facilities for obtaining evidence. This Committee consists of gentlemen who will be fair representatives of the different sides in the discussion that is likely to take place as to what is to be done about this sawdust, and we shall have the advantage of their conflicting opinions, and their assistance in eliciting evidence, and in getting witnesses to speak on both sides of the question; and of hearing from them all the arguments pro and con. I think in that respect, and in the authentic way in which we can place evidence taken by us before the public, we enjoy peculiar advantages for this investigation, and that we can do it really much better than any Minister can. And the opinion of this House, while it will not relieve the Ministers of any responsibility, must necessarily be of great aid to them in coming to a conclusion as to what should be done upon the evidence that the Committe would take. On that point I do not think my hon. friend will be sustained by this House.

HON. MR. ALMON—I would like to know if the Honorable Mr. Glasier is on that Committee, because I think he knows more about lumbering and sawmills than any other member in this House. Anything he would say on that subject would have great weight with me in any vote that I might be called upon to give.

HON. MR. ABBOTT—I have great pleasure in asking the House to allow me to amend the motion by adding the name of Mr. Glasier.

The motion was amended accordingly and agreed to.

PONTIAC AND PACIFIC JUNCTION RAILWAY.

MOTION.

HON. MR. TRUDEL moved—

That an humble address be presented to His Excellency the Governor-General; praying that His Excellency will be pleased to cause to be laid before this House, copies of all Orders-in-Council, resolutions, correspondence or other documents on the subject of the granting of any subsidy or aid to the Pontiac Pacific Junction Railway Company.

He said: A few years ago a subsidy was granted to the railway company referred to in this notice of motion. After a certain time there was a change among the parties interested in the railway, and one of the conditions of the subsidy, if I am well informed, was that some prior debts or salaries should be paid. Statements have appeared in the press and I have myself received letters from parties who claim to be interested, to the effect that these prior claims have not been paid. My object in moving for this return is to ascertain if any such condition was attached to the transaction.

HON. MR. ABBOTT—There is no objection to the motion.

FRAUDULENT MARKS ON MERCHANDISE BILL.

THIRD READING.

HON. MR. ABBOTT moved the 3rd reading of Bill (91) "An Act to amend the law relating to fraudulent marks on merchandise."

He said—There was a point raised last night in connection with this Bill, as to the construction of the first paragraph of section 20. I have examined it since with some care, and I think there is no question that it will bear the construction suggested by the hon. member from Amherst. The intention is that while offences against this Act may be punished by prosecution or indictment, the prosecution or indictment of the offender shall not prevent a person claiming to be damaged, from having a civil remedy, If my hon. friend thinks it will make the language more clear to insert the word "civil" before the word "action," there is no objection to making the amendment. I move that the first paragraph be amended by inserting the word "civil" in the first line before the word "action."

The motion was agreed to and the Bill was read the third time as amended and passed.

INDIAN ACT AMENDMENT BILL.

THIRD READING.

HON. MR. ABBOTT moved the third

reading of Bill (106) "An Act further to amend 'the Indian Act,' chap. 43 of the Revised Statutes."

He said—In respect to this Bill also, I am obliged to my hon. friend for calling attention to the objection to the proposed amendment in the fourth clause. I have consulted my colleague about it and we are satisfied that it will be better, and in fact necessary to leave in the words "stipendiary magistrate," and not strike them out as we proposed to do last night. I therefore move the third reading of the Bill without amendment.

The motion was agreed to and the bill was read the third time and passed.

THE TUDOR DIVORCE BILL.

REPORT OF THE COMMITTEE ADOPTED.

The Order of the Day being read for the consideration of the Report of the Select Committee on Divorce, to whom was referred the Bill intituled; "An Act for the relief of Eleonora Elizabeth Tudor," together with the evidence taken before the said Committee.

HON. MR. OGILVIE moved that the report be adopted.

He said—I think it is quite needless for me to say much, if anything, about this bill. It has been printed for some time, and every hon. member is pretty well acquainted with the subject, more so than with most bills that are brought before us. I could go on to speak about it for a long time if there was any necessity, but I am quite satisfied that we never had a Bill of Divorce before us that was so perfectly clear and deserving, and so certain to pass.

HON. MR. GOWAN—In dealing with bills of divorce, the Senate is engaged in one of its most important duties.

To sever the sacred tie of marriage is a serious act, and the most careful consideration of each case is incumbent upon us all. Not merely because of the operation upon the marriage *status* of the parties concerned, but because Parliament. unlike a Court of Justice, is not tied by fixed limits, but may bring in view considerations of expediency or public advantage when making a law; may, and I think should, have in regard the effect in relation to morals and the well being of society. With confidence therefore of being patiently heard I desire to contribute my quota to this discussion. It may not be of much value, but I can at least say the subject has been carefully and anxiously considered.

In the evidence appended to the report of the committee, there is a copy of the exemplification of certain proceedings before the Superior Court, of Quebec District, of Montreal. I venture to think it should not have been called for, but appearing it cannot go unnoticed, if now unchallenged it might grow into a dangerous precedent. I learn that the counsel for the respondent claimed and pressed for the production of this exemplification under the old Rules 74 and 75 of the Senate. In my humble opinion they did not warrant any such claim, and the proceeding brought up was not contemplated by, or included in those Rules.

The practice under these Rules, if founded on any legal principle, was in respect to the question of collusion or connivance, the production of the judgment recovered, etc., a sort of test that the petitioner had endeavoured to obtain the redress open to him by action at law. I do not present an argument at length on the point, for the Rules are no longer to have force, and it would scarcely interest the House.

I must say I am at a loss to know what purpose the respondent could have in respect to the exemplification put in. The judgment of the Court it is true was against the petitioner in that action. It cannot be contended however, that the judgment could bind parliament, whether for or against the petitioner or in any way control its action in finding upon the facts or granting relief. The court below had no power touching divorce; that belongs under the constitution to Parliament.

But there it is, and may lead to the notion that in passing the Bill, we should be overruling the judgment of a court, or acting in opposition to it, nothing could be more unfounded.

I think it should not have been before

the Committee, but as it has been reported I deem it but respectful to make a few observations touching the matter.

I for one do not for a moment challenge the correctness of the decision in respect to the subject matter dealt with under the law, the court was bound to administer; nay more, I would feel strongly inclined to accept it with respect as some aid to "the conscience of Parliament" if precisely the same questions and with the same evidence which were before the Committee had been passed upon by the Court below. But that we know was not the case. One or two prominent points of difference may be noticed; they will be sufficient to illustrate the position. The law under which the Court acted, and by which it was bound, may be found in the code namely, articles 188 and 189:

188. A wife may demand the separation on the ground of the husband's adultery, if he keep his concubine in their common habitation.

189. Husband and wife may respectively demand this separation on the ground of outrage, ill-usage, or grievous insult committed by one toward the other.

188 only covers adultery by husband under particular circumstances, "if he keep his concubine in their common habitation."

Article 189 *possibly* admits of judicial expansion, "grievous insult committed by one towards the other." It might perhaps be contended, would include an act of adultery wherever committed. *I do not say it would*, and I do not find any case in the Lower Canada Reports in support of such construction. Indeed, the only case I found under Article 188 is Stark vs. Massey. The decision in that case does not throw any light upon the general subject, and relates to statements made by the husband being admissable as evidence.

The case between the parties to this Bill was before a court with a specially limited jurisdiction—*separation de corp*—and limited in respect to matrimonial offences specified. A court limited as to relief and otherwise.

It is not so in respect to bills of divorce before Parliament. In all such cases Parliament to use the words of Lord Brougham, "is engaged in making a law," and as Lord Thurlow said in the Addison case, "governing ourselves by the exercise of our own wisdom and discretion."

The Honorable Senator from Ottawa in 1887 strongly expressed himself to the like effect, namely, that Parliament in such matters is governed only by individual judgment and opinion of members in each particular case.

I took occasion last session also to express my opinion in this House as to the paramount power of Parliament in cases of this kind, but will not weary the House by repeating it, but I may add the views I expressed have since been endorsed by the highest authority in the country on Parliamentary Law, Dr. Bourinot, the learned Clerk of the Commons.

The Senate, as constituent of Parliament, is possessed of this case and Parliament I maintain in passing a law touching the *status* of the parties is not limited or restrained—any law it may deem in the interest of morals, and the good order of society. In this therefore it differs from the ordinary tribunals. Another material point of difference is this. No testimony given by a party to a suit can avail in his or her favour (Code, Art. 1232) in the Courts in Lower Canada and neither of the parties to the bill before us were thus examined in the Court below. The Court would have no power to take their testimony. Before the Committee of the Senate there is no such restrictions and the petitioner did give evidence. The respondent though present did not offer himself as a witness. In proceedings before the Imperial Parliament, and in suits before the Divorce Court both husband and wife are competent witnesses on bills of divorce and suits for dissolution of the matrimonial tie. In Canada they are admitted as witnesses in legislative proceedings, and the rule has been invariably acted upon. The new Rules of Proceedure retain the principle, re-cast in Rule Q. Thus the Court below had not and could not have had the benefit of hearing the parties on oath, but, as I said before, the Committee of the Senate in making inquiry is not so crippled in the endeavor to reach the whole truth. And I venture to express the belief that if the evidence

which was before our Committee could properly have been before the Court below and entered into judicial consideration, the findings upon the facts would not differ—at least that is my impression.

I might further illustrate in this direction, if necessary, not that I deem the action of the Court any obstacle to the power of our making a law under the constitution, but to show that relief granted to the petitioner upon the evidence before us, would present no conflict of decision, *such as there actually was*, however, between the action of parliament and decisions of the Superior Courts of *Upper Canada*, and that upon purely legal questions, since Confederation.

The limit of authority and duty of a court of justice in deciding a contest between parties and that of parliament in legislation, which may determine the status of parties or otherwise, is essentially different, and I for one have found in the facts, reasons against establishing a divorce court.

In the enquiry before the Committee I learn that it was urged that there was no proof of adultery by respondent till after the petitioner departed from her husband, and it was contended this was a sufficient answer under old Rule 84 of the Senate, which says: "In all unprovided cases refer-"ence should be had to the rules and "decisions of the House of Lords." The contention I learn was that this rule makes it obligatory upon us to follow the principles recognized, and sometimes acted upon, in the House of Lords in respect to granting or withholding relief upon bills of divorce.

This seems to me to be an entire misconception of the scope and object of Rule 84, which relates solely to practice and procedure, and is on its face merely directory. A rule having the substantial effect contended for would be bad and would be out of place in "Rules of Proceeding." Under the Constitutional Act of Canada Parliament has no restrictions and none can exist except imposed or enacted by Parliament itself.

The Senate and the House of Commons can each regulate its own procedure, but neither body nor both bodies together could diminish or control the substantial action of Parliament or the constitution would be at an end.

In shaping action or legislation on a Bill of divorce, upon facts in evidence before us, we naturally look to the House of Lords hoping for light, and to see what others have done in cases similar to those in which we are called upon to deliberate and act. But we have never bound ourselves to accept their decisions as authorative and conclusive. We follow "precedents" where they *commend* themselves to our judgment and we decline to follow them where *they do not*, and rightly so, for the decisions of the House of Lords on bills of divorce have not the weight that attaches to the decisions of the regular legal tribunals. The majority determines, and in the minority on a vote may be found men of learning, wisdom and experience, expressing opinions adverse to the determination, more in accordance with the eternal principles of truth and justice. The "precedents" in the House of Lords reach back for some 200 years, from 1858, when the Divorce Court was established, these precedents abound during times not conspicuous for purity in social life, or when legislation exhibits any marked effort for promotion of morality. The manners and customs, if not corruptions of classes, fashioned opinions, and the higher moral tone and the controlling power of the healthy public opinion of modern times, was in those times little known. In legislative dissolution of marriages, the provisions of a divorce bill were, however, in the discretion of a majority, which could adapt them to particular cases and enact as to the majority seemed meet. I must say one does find old cases before the House of Lords where it is difficult to reconcile the decisions with Christian ethics and occasionally some indications appear of notions and sentiments (due probably to a highly artificial condition of society) not in unison with our simple common sense views of right and wrong.

We never have accepted the "precedents" of the House of Lords in matters of substance as our rule of right, nor are we bound to follow their actions or shape our decisions to square with theirs. We have our own to refer to and eleven of these are at the suit of women.

The cases referred to before the Committee, it was argued, were "precedents" showing broadly that adultry committed after separation of husband and wife would not support a bill of divorce by wife for that cause. After examining the cases I am unable to arrive at that conclusion. There are "precedents" it is true, but particular circumstances have been allowed to modify. The strongest case cited could, I think, be plainly distinguished from the case before us, in facts, circumstances and other elements.

I do not propose to trouble the House by going into a dry examination of the kind (none of the House of Lords' cases were within the last fifty years). I have referred to the point because one, if not two of my honorable friends, though strongly convinced of the moral right of the petitioner to relief, feel pressed by "precedents" in the way, they feared, of granting it. The "precedents" of the House of Lords referred to are anterior to 1857. When the law was changed and thereafter regulated under statutory enactment, providing for the establishment of a divorce Court. In looking at these "precedents" the difference between the legal and social condition as well as public sentiment in England and in Canada must be taken into account to be of any assistance in guiding discretion. And with permission of the House I would make a few brief remarks in this connection.

With respect to divorce in England one is struck with the marked, and I must think unjust discriminations made between the sexes in respect to matrimonial offences, and the prejudices which existed and still exist against equal right of relief to the woman as well as the man.

They have been much modified in recent times it is true, but they yet remain and find expression in the statutes.

I am not aware of such prejudices ever existing in Canada, not in Ontario at all events, and I can find no indication of such in the several Divorce Acts of the Parliament of Canada; but the reverse, as an examination of our precedents and the grounds upon which divorce acts were passed as set forth in the preambles, will clearly show.

The subject of divorce passed to the Parliament of Canada, in the distribution of legislative powers under the constitution, absolutely and at large.

Looking to England we find that according to the practice if the Imperial Parliament, at one time divorces were granted only at the husband's suit—the first relaxation was, I think, not till 1801. It was a flagrant case, but the wife's bill would have been rejected had not Lord Thurlow supported it with his high authority—and no little skill for he had no authority to refer to, perhaps, was content to use any argument to promote the cause of justice—and so strong were the prejudices of the age that Lord Elgin taking his stand on precedent was at first prepared to disregard the wife's claim for relief, but in the end gave way as "he was satisfied that the divorce asked for under the special circumstances should be granted." Another ex-Lord Chancellor, Lord Loborough, admitted the objections to the bill were in a great measure removed by Lord Thurlow's speech, but the Duke of Clarence opposed the Bill solacly because of the petitioner's sex. The Bill passed and became law, but another woman a few years afterwards was not so fortunate. Her bill for relief was opposed by the Bishop of St. Asaph. The husband had been guilty of the most shameful profligacy, and as his Lordship observed "under no sudden impulse of passion but a deliberate abandoment of an amiable and deserving wife," but the Bishop nevertheless thought "on public grounds the bills should be rejected." This was in 1805 and is one of the set of precedents we are invited to follow. A more objectionable decision, bottomed on precedent it would be hard to conceive. The Right Reverend Prelate however carried his motion, for the "hoist" but by a bare majority of three. Strange decisions have been given there. More than 100 years before a divorce was granted "to continue the succession of peerages in the male line. It stands a a "precedent" in the House of Lords. In 1817 there is a case which shows the marked prejudice against the woman. General Dyot had obtained an Act of divorce in the previous session; his late wife

promoted a bill expunging certain words inadvertently left in the original Act affecting the marriage settlement. On reference to the Chief Justice of the Common Pleas, and one of the Justices, they reported that "it was just and reasonable, the mistake should be corrected." In committee, however, words were introduced so injurious to her character, that she prayed to be allowed to withdraw her bill. General Dyot asked that it should proceed as altered; deciding for the divorced husband in the dispute. The Lords refused to let the Bill be withdrawn.

The case of Mrs. Dawson in 1848, is equally significant. Her husband's adultery was clear. He had frequently whipped her, using at times his horsewhip. She ought, undoubtedly, to have obtained a divorce from her wicked and cruel husband, but the Lords rejected her bill on six occasions, because in their opinion it would "tend to relax necessary safeguards."

Indeed, till very recently, a woman's bill had slender of success, though it was never actually denied that, in exceptional cases, a wife would be entitled to relief. But "the tone of sentiment" amongst those she had to appeal to was largely hostile.

In time a better and purer feeling was awakened and in 1832, I find Lord Eldon supporting a bill promoted by Mrs. Moffat, changing is opinion in spite of his admiration for precedents. He used language that must have grievously wounded the cars of my Lord of St. Asaph, if within hearing of his voice; and shaken many a venerable precedent. Lord Eldon is reported to have said, "he had yet to learn that a woman had not as good a right to relief as a man under the circumstances which gave rise to bills of this description."

With a view to redress the crying injustice of the divorce law a Royal Commission issued in 1850. A report was submitted in 1853, a Bill for the establishment of a court of divorce was introduced in 1854, which allowed dissolution of marriage to a husband for his wife's adultery, but not to her for his adultery. It met opposition and was abandoned. In 1856 a similar Bill was introduced, but with a provision allowing divorce to wife where husband was guilty of incestuous adultery. This Bill was amended in Committee but afterwards abandoned. In 1857, for the fourth time, a Bill was introduced which afterwards became law.

When the bill was before the Parliament strenous but ineffectual attempts were made in both houses to make the right of divorce given to wives correspond more nearly with the husband's right to a dissolution of marriage.

"At the instance of Lord John Manners, with the concurrence of Lord John Russell, the Commons inserted a clause giving the wife divorce when her husband 'committed adultery in the conjugal residence.' When the Bill returned to the Lords this provision was cut out, notwithstanding the support of Lord Chancellor Cranworth. Mr. Gladstone, also, though he strongly opposed the Act of 1857, was of opinion that if divorces was granted at all, it should be on the principle of equal justice to both sexes."

Lord Lyndhurst also proposed amendments in the Upper House endeavouring in vain to extend the wife's power of obtaining divorce on her husband's adultery:

"With four other peers, he protested against the Bill, because, among other reasons, the relief given to the wife is "partial and unjust" as contrasted with that afforded to the husband; because no distinction is made in Scripture between the offence of the man and of the woman; because "the whole tendency and spirit of the Christian religion is manifestly calculated to raise women to equal rights and equal responsibilities with men.'"

And the eloquent words of Mr. Gladstone speaking upon the bill must bring conviction to every unprejudiced mind.

"For my own part I shall always assert the principle of equal rights. It is impossible to do a greater mischief than to begin now, in the middle of the nineteenth century, to undo with regard to womankind that which has already been done on their behalf, by slow degrees, in the preceeding eighteen centuries, and to say that the husband shall be authorized to dismiss his wife on grounds for which the wife shall not be authorized to dismiss the husband. If there is one broad and palpable result of christianity, which we ought to regard as precious, it is that, it has placed the seal of God Almighty upon the equality of man and woman with respect to everything that relates to those rights; and I will offer the utmost resistance to any attempt to induce this House to adopt a measure which, I believe, would lead to the degradationof women."

Ah ! these are grand and noble sentiments worthy of a Christian statesman. Who could hear them unmoved. But prejudicies prevailed and the partial and unjust provisions towards the wife were retained.

Thus up to the last moment the legislative power of the Lords could be exercised in granting divorce in England, we see a narrow and unjust sentiment prevailed on this subject. Outside of mere procedure, could we look for pure light in the precedents they established, much less broadly accept them as our rule of right ?

Though a divorce court has been established for England, parliament still entertain bills of divorce in Irish and other cases.

I noticed but one application successful by a wife has been before parliament since 1857. An Irish lady the year before last obtained an act of divorce from her husband, a coarse drunken brute, from whom she had suffered many cruel indignities, and against whom adultery was proved An act was passed to dissolve the marriage. I refer to this case as *showing* a *healthy change in sentiment* ; for thirty years ago under the rule of the House of Lords her appliction for relief would have been promptly rejected.

The author of a recent book on Private Bill Legislation (1887) remarks on this case : " According to former precendents the crulety and adultery proved in 1886 would have been wholly ineffectual to procure a Private Divorce Act. But in this instance the House of Lords exercised its old jurisdiction in the spirit of the Legislation of 1857."

Indeed only in four cases before the case of 1886 have divorce acts been passed on application by women. The feeling was against them and reform moves slowly where manners and class influences largely mould lines of thought. As a Canadian I rejoice that a different and a better sentiment prevailed here. The Parliament of Canada since Confederation, (1867), has passed thirty divorce acts, eleven are in favor of women whose husbands were proved to be guilty of adultery, and of the eleven some seven were cases in which acts for the dissolution of marriage could not have been obtained if the principles and precedents, acted on in the House of Lords, had been entertained and acted upon by the Parliament of Canada.

We never, I repeat, accepted them as our rule of right and we have *not* followed them.

Part of the Empire—in confederation under a common sovereign—yet with a constitution similar in principle to that of the United Kingdom, we Canadians have the making, moulding and developing of the law. Their recognition or rejection of principles which shall prevail in our community, and to us it belongs exclusively to enact and declare as a Parliament in all that concerns the welfare and good government of Canada ; one iota of this power, I for one, am unwilling to surrender abate.

I would again emphatically reassert the position that we are not restrained in our action under the British North America Act, for we have not imposed any restrictions on the exercise of our power in making a law touching divorce. We act according to our " wisdom and discretion " upon the facts and circumstances in each case and in legislating consideration of what is just and what will best guard public morals and the interests of society must ever be our guiding star.

I was anxious to go somewhat fully into the matter as the points I have touched upon have not before been discussed.

Precedents in the House of Lords before the formation of a divorce court, 1887, go to establish these propositions.

First. That a husband agreived only by adultery might obtain a divorce almost as a matter of right.

Second. That a wife has no title when she is agreived only by adultery.

Third. But that the provision of a divorce bill being in the discretion of Parliament that Parliament might mould and adapt its relief according to the exigency of the case, and take care that justice was done—its power being supreme.

If there is no precedent to fit the case now before us and be followed, the facts in evidence justify us making one in granting the relief asked and every principle of morality and justice appeals to

us to declare that relief should be granted to a woman under circumstances such as these.

The preamble of the Bill in this case, reciting the petition, sets forth the facts and the prayer for the dissolution of the marriage of the petitioner and respondent.

The Committee find she has proved the allegations of her petition, and established the adultery charge. The evidence before us abundantly shows that finding just and right.

I do not propose going through the unsavory details. I will notice only one or two points which struck me in considering the evidence.

If we permit ourselves to look at the exemplification at all, in connection with the statements made by respondent's counsel, what does it disclose? This, that the petitioner and respondent were parties to a proceeding in the court below, wherein adultery was charged against the respondent. The respondent was therefore apprised of such a charge, and might well conclude that in the application to Parliament for divorce, like evidence would probably be adduced. His character was at stake, none could know better than himself what passed between him and his wife, what she could testify, and would before Parliament have the right to testify, what witnesses might speak to, and yet he has not attempted to impeach the testimony or explain away, if he could, the statement of facts, and the inferences from them. The respondent was present during the whole enquiry before the Committee, he would have been willingly heard, I have no doubt, but he did not offer himself as a witness. I cannot understand the position of a man under such circumstances, challenging facts or denying the correctness of reasonable inferences from them and hoping his mere denial would be accepted. The petitioner in her evidence speaks of the facts, conduct and language used between her and the respondent, between them both, and which could be only known by them. Has she spoken the truth? If not, why did he not go in the witness box and deny or explain if he could. He had the assistance of able counsel, but he did not offer himself as a witness. In my mind this can lend to but one conlusion. He could not on oath contradict what his wife testified to, or deny the facts and inferences from the facts in evidence. What reasonable mind could accept bare denial under such circumstances.

I think we should be prepared to accept *prima facie*, as correct, the finding of the body, the Senate specially appointed to make the enquiry, their verdict on the evidence is properly entitled to great weight. I do not find the evidence of the petitioner shaken in any material point under a severe cross-examination. The Committee were favorably impressed with the manner in which she gave her evidence, at all events, she was believed by the Committee and they have reported accordingly.

Another point; the evidence of a witness who would seem certainly not to be a willing one against the respondent shows that some years ago and during the time the parties were living together as man and wife the respondent was met in a house of ill-fame, coming out of a room in which the gas was turned down. He was going out at the time the witness was going in. And the fact of being there at that time is corroborated by one of the unfortunate women who was an inmate of the house. She knew the respondent having seen him on several occasions in houses of ill-fame where she was. And he seemed to know the girls of the house. "The same as any person else that came in." It will be borne in mind the house was in his own city. For what purpose are such houses visited by men such as the respondent? What was his purpose in going there? If it was any honest purpose, not a guilty purpose that brought him, why did he not go in the box and exculpate himself. If he did not on that occasion commit an act of adultery why did he not deny it on oath? I say the conduct of the respondent on this occasion, in connection with other facts proved, would have been fair evidence of adultery to go to a jury from which they might not unreasonably draw an inference of guilt, and that a court would not feel bound to set aside their verdict. Are we to give less weight to the verdict of our select jury, so to speak, chosen from our body?

It would be but to beguile common sense, if when men's actions point to but one conclusion a mere technical denial was accepted against it.

Direct evidence of acts of adultery is rarely practicable and is not required. Lord Stowell in his judgement in the case of Lovedon said :—

"It is a fundamental rule that it is not necessary to prove the direct fact of adultery; because, if it were otherwise, there is not one case in a hundred in which that proof would be attainable.

"In every case almost the fact is inferred from circumstances that lead to it by fair inference as a necessary conclusion; and unless this were the case, and unless this were so held, no protection whatever could be given to marital rights.

"What are the circumstances which lead to such a conclusion cannot be laid down universally; because they may be infinitely diversified by the situation and character of the parties, by the state of general manners, and by many other incidental circumstances, apparently slight and delicate in themselves but which may have most important bearings in decisions upon the particular case.

"The only general rule that can be laid down upon the subject is, that the circumstances must be such as would lead the guarded discretien of a reasonable and just man to the conclusion.

"The facts are not of a technical nature; they are facts determinable upon common grounds of reason; upon such subjects the rational and legal interpretation must be the same."

Then as to another point. Several after acts of adultery were proved by women of ill-fame (*particeps criminus*). The women who bore this testimony were certainly living in sin, but they were competent witnesses, and, though living an immoral life, it does not follow they would perjure themselves, their character for veracity was not impeached. The Committee was able to form an opinion as to their credibility, and they were believed. They seem to have been unwilling witnesses. In such a case as this, resort to some such evidence seemed of necessity, for "*in re lupanari testes lupanares admittentur.*"

From the statements of the Petitioner on oath not contradicted, and in view of other facts in evidence, I say the Petitioner was right in leaving such a man. She could not with any selfrespect continue to live with him as his wife. There is ample proof of his adultery, and nothing in her conduct to deprive her of the relief she asks, to be separated from a man living a disreputable and sinful life. She left him it is true, at his brother's house. (He had no establishment or home of his own) but not without good and sufficient cause. Why did the wife leave her husband?

A valid answer may be found in the evidence. The long suffering neglected wife had her suspicion for years, they kept growing upon her. She evidently fought against them, she made up her mind slowly she says. At last her suspicions ripened into conviction of her husband's infidelity to her, when her mind was made up she left him. This was shortly after the birth of her youngest child, and I think any one who fairly consider the evidence must be convinced that she could come to no other conclusion, and that it was a duty to leave him. I do not care to refer to the condition of her bodily health, and what it suggested, but look at the gross neglect of her husband for years, the neglect of his children which she tried to hide from the little ones, the fact of his staying out night after night, till finally it became the exception when he stayed at home. The remarks and admissions he made, the stories he told of his experience with women, the gratuitious remark that he was a thorough blackguard, that his life just suited him, the vile thing he said to his wife early one morning on awaking, did she not rightly consider all these as showing his uufaithfulness and reasonably conclude he was leading an evil life and would continue to do so, and that he was actnally doing so up to a fortnight before the hearing one of the unfortunate women examined proved. Who then could say she was wrong in leaving him? No virtuous woman could act otherwise. It was a duty to leave him. As he said to her himself it was the only thing she could do.

Why does he resist the relief sought? Why does he fight inch by inch? Why does he try to down the imploring cry for relief of the woman he was wronged?

I know not his motives. I cannot think they spring from a roused conscience or the remains of a lingering affection. Is his nature incapable of seeing

that no right minded woman could condone conduct such as his—even if she could forgive?

What should we be doing then if we refused to pass this Bill? What, but saying to a virtuous, injured woman: You are to remain to your life's end under the dominion of a profligate man who could only desire to retain his hold for unworthy purposes. Under the dominion of a shameless man, who uncovered his evil doings to its wife and flaunted his impurities in her face.

Is the maintenance of a decent society, the preservation of purity in family relations a matter of slight concern? Are we to allow mere technical regulations, if they exist, to block Parliament in making a law, in the interests of morality, and for the relief of an outraged wife? Will the Senate of Canada affirm by its decision that adultery may be practiced with impunity by husband and father in our Christian community, in the midst of our Christian homes.

Hon. gentlemen, there is but this alternative, we must either allow the proved adulterer to go forth triumphing in the impunity given to a vicious course of life, or we must free this woman from a relation which can now have no sanction before a pure God, and from which she is entitled to be freed by every law human and divine.

Hon. Mr. MacDONALD (B.C.)—As a member of this committee I have given a great deal of consideration to this case, and although my sympathies are entirely with the petitioner, I feel constrained to vote against the bill. The evidence of the wife goes to show that she left her husband on suspicion, and on suspicion only. It is true that there is evidence of neglect on his part, but there is no evidence of actual guilt. The question was put to her, "did he ever confess to you that he had been guilty of infidelity or adultery?" She said, "no, not in these words—he never confessed himself guilty." I think hon. members will fail to receive as evidence of adultery the statement that this man was seen coming out of a house of illfame. It is no evidence to my mind. I am not a member of the legal profession, yet I should not take it as evidence. There is no doubt that this man is a thorough blackguard and deserves no sympathy, but the question is, did the wife, having left her husband on suspicion only, conduce to his adultery? Of course, the only evidence we have of adultery, is two years after the wife has left her husband, and we had ample evidence that two years after that time he frequently committed adultery in houses of ill-fame. From precedents read by the Chairman, who stood with me in this matter, as we both thought alike, I came to the conclusion that this divorce should not be granted. The wife having left the husband on suspicion, conduced to his being guilty of adultery, and there is no proof of adultery until two years after the separation had taken place. I shall, therefore, vote against the Bill.

Hon. Mr. MACDONALD (Midland)—I was also a member of that Committee. There are occasions on which I should hesitate to speak on any question of law. As a layman I should regard it as presumptious, but I find myself in a Chamber where every hon. member is vested with judicial rights, in a Chamber composed of hon. gentlemen supposed to be grave men, men of wisdom and good sound judgement, who are supposed to be capable of listening to the evidence, and upon that evidence submitted to them forming their judgment. I find myself in a Chamber where I am not called upon to pay attention to precedents any further than where they are in harmony with the judgment and understanding of that Chamber.

Talking about precedents—I asked a question, which it behooved me as a layman, in the Committee, whether there was a precedent analogous to this case, and I received an answer in the negative—there was no such case.

Hon. Mr. GOWAN—Plenty.

Hon. Mr. MACDONALD—Now, it is only when we are confronted with the difficulties which presented themselves to those who sat down to construct the British North America Act—it is only on occasions of this kind that we are impressed with the difficulties by which

they were surrounded, with the delicate manner in which they approached their duties, with the respect with which they studied the prejudices of those whom that Act was intended to affect. Hence I find that this Chamber is constituted not in defiance of, but in deference to the people of Quebec living amongst us and speaking another language and having religious convictions upon this point. This court was constituted, I say, not in defiance of, but in deference to that large section of our country in order that their religious convictions might not be conflicted with and it was constituted in order that petitioners, either men or women, might find relief in this Court, which under the law of Lower Canada they are unable to find. Therefore it appears to me to be absurd—and I use the expression very carefully and not offensively—to say that we are in danger of coming in conflict with the Courts of Lower Canada, when the very testimony that was admissable and the result that could be obtained and secured were so disimilar—when the very person who was injured by the law of that Court was unable to speak in her own behalf—when her mouth was closed about the cruelty she had experienced, about the infidelity of her husband, and yet we are told we are not to come in conflict with the Lower Canada courts.

HON. MR. MACFARLANE—It is true that in Lower Canada the Petitioner in this case could not be called to prove her own case, but she was called, nevertheless, and examined—she was called by the party who is Respondent here, and the evidence was given by her before the judge who tried the case.

HON. MR. MACDONALD — The question, I know, I proposed in the Committee and I received for a reply that the Petitioner could not be heard in that Court in her own behalf.

HON. MR. MACFARLANE—That is correct.

HON. MR. MACDONALD—I am now told by the respected Chairman of that Committee that I am correct. If that is correct and if that is the material evidence we have to rely upon and that evidence could not be given, what is the use of setting up a plea that there is a danger of our coming into conflict with the Lower Canada Court? Now the hon. gentleman who has just sat down (Mr. Macdonald, B. C.) tells us that there was no proof of adultery. When the Apostle Paul stood before Agrippa and spoke about events that revolutionized the world, he said these things were not done in a corner. But do not such deeds as we have been speaking about seek the darkness? The eminent jurist, who has just spoken, read the opinion of one of the most eminent men that ever addressed a court, that if mere acts of adultery were only to be taken in evidence, not one case in a hundred would ever be discovered and not one in a hundred of such parties would ever obtain relief. I am astounded, I must say, at the remarks of the hon. gentleman from British Columbia, that there were no proofs.

HON. MR. MACDONALD (B.C.)—I say so again.

HON. MR. MACDONALD (Midland)—Let us note the facts: for thirteen years this woman endured constant cruelty. The physician, who was called upon to describe the circumstances under which she labored, spoke about her as being hypochondriacal; is there one woman in a thousand that would not have gone mad—a woman whose husband began to desert her eight months after they were married, absenting himself every night week after week, month after month and year after year, so that his presence in the home became the exception and not the rule. At the time, when, if there is any tenderness in a man's heart, when she had yet barely recovered from her confinement and from the distress caused by her mother's death, he came in in the most infuriated manner and told her that that moment her father and mother were in hell, scratching out each other's eyes—this, on her return from the funeral. I say, grievous as that is, it would not be enough to entitle her to a divorce.

HON. MR. POWER—Hear, hear.

HON. MR. MACDONALD—I am glad that the hon. gentleman agrees with me, but I take the whole combination of circumstances. He said on one occasion, when she was speaking about his late hours and grievous conduct, "You do not understand what is meant by an "English gentleman." Was there ever such a perversion of such a word? It contains within itself I take it, its true meaning, gentleness, consideration for others, consideration for the wants and wishes, unselfishness and unwillingness to offend, or hurt, or wound the feelings of anyone, and above all, to provide for one's household — in every one of which qualities the respondent was stranglely lacking. He was not possessed of one of them from the beginning to the end. He was seen in a house of ill-fame seven or eight years ago we are told. It has not been contended that he posed as philanthrophist. It has not been contended that he went there for the purpose of reclaiming those women. There is no evidence that he has ever been engaged in anything of that kind, and one woman who was questioned as to the object that brought him there replied that he came there as all the other gentlemen, and that he knew the women as the other gentlemen knew them. We can draw any inference we please from that, but that is her statement in reference to that case. My hon. friend from British Columbia (Mr. Macdonald) has spoken about adultery that was committed only two years ago. Now I ask any hon. gentleman in this chamber if any man who has led a pure life—who has passed through the community, through trials, and its troubles—

HON MR. ALMON—And temptations.

HON. MR. MACDONALD — And temptations my hon. friend says, which I cheerfully add—will any one tell me that if only a single case be cited where a man should make such a terrible lapse that in so short a time that would be his normal condition, and that he should be living there all the time—that even when this evidence was going on, the unwilling witnesses who were brought proved that he was consorting with harlots? Now there has been a great deal said about her leaving him. I ventured to say in the Committee, and I repeat it again, that while it may be true in a sense that she left him there was another sense in which she was driven from him. The only analogous case was that of poor Joe. The policeman said "Move on?" He said "Where?" and the policeman said "Move on." He had beneath his rough exterior a kind heart and in the performance of his duty he told this poor little waif to move on. Respondent had wasted his wife's means in riotous living, like the prodigal of old, and when the money was gone and she sought refuge with his brother what did that brother do? He told her to move on—move on. Where? Wherever she liked to go—he wanted her to leave his house and home.

HON. MR. MCINNES (B.C.)—Have you reference to the husband, or to the husband's brother?

HON. MR. MACDONALD—You have not been listening.

HON. MR MCINNES—I have, and I understand it, but I want the other members to understand.

HON. MR. MACDONALD—They all understand it. I speak plainly enough. I have said that he made the strange mistake to her of saying that she did not understand what was implied by being an English gentleman. Now, there is only one word by which a man can be described who takes from her home a pure and confiding woman, whom he promises to love, and whom he speedily forsakes—whose money, under the guise of protection, of guardianship, he speedily takes and speedily wastes — who neglects his home and his wife and children—who prefers the company of prostitutes to that of the woman whom he had promised to cherish, and deeper still, takes the photograph of his young daughter, bursting into womanhood, to be known and respected in the very best circles of the city in which she lives, and shows it to a common harlot, and says "that is my daughter." There is only one word by which such conduct can

be described, and happily he has saved us from supplying it, for he has furnished it himself, and that is a low blackguard. If I never had an opportunity of recording one vote in this Senate but the one I am about to record—if there never was another act in my life that it would be in my power to perform—if I had any doubt at all of the advisability of my coming to this House, the opportunity which is afforded me on this occasion of relieving a pure and a good woman from a bad and undeserving man, I should be glad of the opportunity which my being a member of this House affords me in enabling me to cast that vote.

HON. MR. DICKEY—In rising to address the House upon this question, I certainly do not intend to imitate my hon. friend who has just sat down, in the declamatory style that he has adopted on this occasion,—a style which would be better suited, I think to the experience of some of us who have been paying attention to actions for breach of promise or seduction before a court and jury. My hon. friend stated very frankly at the outset that he pays no attention to precedents.

HON. MR. MACDONALD (Midland) —I never made such a statement.

HON. MR. DICKEY—I took down the hon. gentlemen's words, "I pay no attention to precedents," speaking about those cases that have been cited by the hon. gentleman from Barrie.

HON. MR. MACDONALD—Will the hon. gentleman read the words that I used, which followed?

HON. MR. DICKEY—I did not take them down, but I heard that principle announced by the hon. gentleman; and it was quite in conformity with the hon. gentleman's address which followed, because his remarks were an appeal to an audience which one would suppose was not capable of judging the question on its merits. It is not our custom in this House in dealing with a grave subject like this, and it is certainly not the style which I shall venture to presume to address to this House. I shall rather imitate the hon. gentleman who introduced this discussion and who stated that it was a grave and serious matter to separate man and wife. My hon. friend who has just spoken speaks of it in a light manner, as if it were to be discussed as a mere matter of feeling and sympathy.

HON. MR. MACDONALD—No, No.

HON. MR. DICKEY—The hon. gentleman says no, and I say so too; it is not to be discussed in that style, and if we once cut ourselves adrift from those precedents and decide these matters as they impress gentlemen, without studying the evidence taken before the Committee, then I think we are entering upon a road that may lead us in a direction that we know not of. If we cut ourselves adrift from the moorings of old time precedents, which have hitherto governed us, I should like to know what we shall have to restrain us, or how our considerations are to be governed in reference to a case of this kind? My hon. friend who has just sat down, professes to pay great deference to the religious convictions of a portion of the population of Quebec, and he proposes to himself as the best mode of paying deference to those convictions, that this divorce should be granted without reference to any principle or any precedent at all, except the mere impulse of the moment; and that impulse, whether it is to be governed by our sympathies for a pretty woman (I dare say that may have some influence on my hon. friend) or from other considerations, but we are to discuss a serious matter like this, as if it were going to a jury, to get high damages in a case of seduction. The hon. gentleman from Barrie has announced his doctrine upon this subject, and he says in the course of his speech, that we are not to be governed by the principles which obtain in our great prototype the House of Lords; yet with singular inconsistency my hon. friend has been citing precedent after precedent which has been decided in that very body, and very properly, and I may say with regard to that, I do not know that I should have made my observations on the question at all, but when a gentleman of legal

training and very large legal experience propounds such a principle, it rather startled me, and I was very glad to find that in practice he does not follow out the principle he lays down for others, because he has cited precedents, and he is quite right in doing so, to carry out his own views whether for or against the Bill. My hon. friend says that the decision given the other day in Quebec upon this very question, a decision upon the same issues, upon the same evidence, except with regard to the woman, as to which we know nothing except what has been stated in the Committee on the one side, and the hon. gentleman from Midland on the other—but substantially on the same evidence, he says that these two decisions do not conflict, because they were upon entirely different questions, and in that respect my hon. friend is right because one was a question of separation from bed and board merely, and the other is for a total separation. Practically my hon. friend's contention is this: that although the evidence was not sufficient to warrant the judge in giving a separation from bed and board, yet it is sufficient to give the higher measure of relief—a total separation from the bonds of matrimony.

Hon. Mr. GOWAN—My hon. friend will allow me to correct him. I did not make the assertion he supposes. I alluded particularly to the qualified jurisdiction of the court below; for the code says that a wife may demand separation in regard to the husband's adultery if he keeps his concubine in his house. I ventured to show the distinction between that case and the case which is now before us.

Hon. Mr. DICKEY—But the hon. gentlemen stated distinctly there was another cause for that separation, any grievous insult which was given to the wife; and he knows perfectly well that that was ground for that judge to go on.

Hon. Mr. GOWAN—I stated also that there was no case of that kind in Lower Canada.

Hon. Mr. DICKEY—Yes, in the code of Lower Canada that is one of the provisions. While upon that subject let me read exactly what the judgment of the Court says with regard to it. It is given in the form of considering that so and so is the case. Now what is the language of the judgment:—

> Considering that the adultery on the part of the husband not accompanied by this aggravation cannot authorize a *separation de corps* unless it constitutes by its publicity and by the other circumstances under which it has been committed a grave insult to the wife.
>
> Considering that in the present case no act of infidelity in the conjugal habitation has been alleged or proved against the defendant.
>
> Considering that it does not appear from the evidence adduced that the defendant, prior to the desertion by the plaintiff from their conjugal domicile, in the autumn of eighteen hundred and eighty-four (1884) had rendered himself guilty of adultery or of any act whatever committed under circumstances which constitute a grave insult to the plaintiff.

The judge knew perfectly well he had no power, if this evidence was to be believed, that if there had been grievous insult prior to the desertion of her husband she was entitled to relief, but he says he does not believe it. But he continues:—

> Considering that the acts of infidelity and even the acts of adultery committed since the said date by the defendant, even supposing them perfectly proved (which is far from being the case) have not the same force which they would have had if the plaintiff had not herself previously abandoned her husband and had not refused to return to his domicile in spite of the solicitations which he had made to her; that under these circumstances plaintiff has only herself to blame for what has happened; and for the failings of defendant.
>
> Considering further that these acts have not had publicity in themselves, and have not been accompanied by circumstances which would give them the nature of a grievous injury; that it is only the proceedings of the plaintiff herself and of her agents and attorneys which have given publicity to these acts which otherwise would have remained secret; that in setting spies upon the defendant and in causing his private life to be searched into by people without credit or reputation, and by spies and detectives of low position, and by publishing the result of these inquiries for the purpose of creating a judicial scandal, which has been sedulously taken up by the public press, the plaintiff, her agents and attorneys have succeeded in giving considerable publicity to these acts of the defendant, and

are themselves responsible for the notoriety which has resulted therefrom since the commencement of the litigation; and considering that when the plaintiff instituted her action she had not even then obtained the doubtful proof which she has since been able to procure through the methods already indicated and condemned.

Considering that the plaintiff has in no way established by proof her other allegations of outrage, ill-usage and grievous insult, and has no right to obtain the conclusions of her complaint, doth maintain the defense and dismiss the plaintiff's action for all purposes of law, with costs.

That is the judgment of the court. It is founded on common sense. It addresses itself to our common feelings and it is directly in line with the decisions of the House of Lords which I do not wonder that my hon. friend shrinks from quoting here.

HON. MR. ALMON—Does the judge say what he thinks of the respondent exhibiting his daughter's photograph in a brothel?

HON. MR. DICKEY—My hon. friend spoke of that, and he did not attach much importance to it, and I do not suppose he does. I suppose we may start with this consideration: it is contended on the part of some gentlemen that this question is to be decided as a mere matter of feeling—as a mere matter of sympathy—that we in our sovereign pleasure as a constituent branch of Parliament are to decide this question just according to our own feelings and without reference to precedent or to history of divorce cases in other places.

HON. MR. ALEXANDER—We are to decide it as Christian statesmen.

HON. MR. DICKEY—It is very fortunate we have so many Christian statesmen to decide it, but I prefer to be guided in this matter by fixed principles and not by the fleeting passions and feelings of the moment. In discussing a matter of this kind I think we should look upon it in that light entirely, and that we should decide it in such a way that it may be fairly quoted hereafter as a precedent. I think the hon. gentleman from Barrie will agree with me in that position at all events, and in doing so, how are we to act? We have the whole jurisdiction of the Parliament in this matter, based upon a single word—one single word in the Confederation Act, and that word is "divorce," We have hitherto proceeded, in legislating upon that subject upon the lines which we found prepared for us by our great protoype, the House of Lords. We have constantly had those decisions quoted to us, and we have been as constantly guided by them. Now, what is the principle with regard to them? The principle is, in England, as I hope it is here, that no separation a *vinculo matrimonii* shall take place unless adultery has been committed. I hope that will ever be the governing principle here. And what is the other corelative principle connected with that? That is a good ground for the separation of the wife from the husband, but the two cases stand in an entirely different position inasmuch as it is not of itself pure and simple a ground for separating the husband from the wife. The rule upon that subject is laid down distinctly in this way, and by an eminent judge whose authority I am sure my hon. friend will accept—no less than the late Lord Chancellor Elgin who says:—

(Mrs. Addison's case McQueen p. 597). "I must retain the opinion that upon application of the wife on adultery of the husband for a divorce, the application resting on that simple and distinct ground, ought for the sake of securing the morals of the public to be resisted and refused."

That is when it is on the sole ground of adultery.

HON. MR. ALMON—Hear! Hear!

HON. MR. DICKEY—My hon. friend from Halifax may laugh, but it is the law of the land, and it is the law, I apprehend, that will guide us here.

He adds:—

"It is to be considered that the adultery committed by the wife and the adultery committed by the husband are entirely different in their consequences. The adultery of the wife might impose a spurious issue upon the husband."

That is the reason of the distinction given, and I apprehend there is no person will question the soundness of that reason. In another case, that of Mrs. Teush, a case decided by the same emin-

ent judge who stated in language almost as strong as has been used here to-day, that he never recollected a more favorable representation given by a woman, but yet on general grounds of public morality, he felt it to be his painful duty to give the negative to the original motion, and he moved that the Bill be rejected, and that was carried.

HON. MR. GOWAN—Will my hon. friend allow me to remind him what the Bishop of Asaph stated in that connection. His ground was that it might injure the woman's position with respect to ob taining alimony in the court.

HON. MR. DICKEY—I am quoting from McQueen's practice, House of Lords, page 602, and the comment of the author of that work is this :—

"The fact of this remarkable case strongly exemplifies the disinclination of the Legislature to countenance or encourage Bills of Divorce at the suit of the wife. The merits of Mrs. Teush's claim—was in some case weakened by her delay in making the application."

As it is here, because she has allowed a couple of years to elapse before taking any step at all.

HON. MR. GOWAN—You will find on page 603 what the Bishop of Asaph said. He said :—

"He could not understand how the lady's circumstances would be improved by a dissolution of the marriage, which would involve the loss of the alimony, awarded to her by the Spiritual Court. The Right Rev. Prelate concluded by moving that the Bill be read a second time that day three months.

The Earl of Carnarvon dissented from the Right Rev. Prelate. He thought the circumstances of the case ought to induce the House to assent to the Bill."

HON. MR. DICKEY—If my hon. friend refuses to recognize the authority of the House of Lords, I suppose I may be excused for not taking the dictum of the Bishop of Asaph, or accepting his peculiar views on this subject. I am taking the decision of the House of Lords, and the grounds on which the Lord Chancellor gave his decision. There are cases however, where the wife can get relief for the adultery of her husband, and what are those cases? They are cases where the respondent is guilty not only of adultery but of cruelty and desertion of his wife. That is the principle laid down by the English precedents we have, and if after that she is obliged to separate from him and goes to her father's home, and he, after that, commits adultery, then it is considered she is entitled to relief because she had a sufficient ground for leaving him. It was not a desertion in the proper sense of the word; but simply that she was forced to leave him by his cruelty and violence and in this decision the legal definition given to that cruelty and desertion is this, that it should be such as would enable her to get a separation from bed and board. It must be of that description altogether apart from adultery, before she has a *locus standi* in any court of England, or before the Imperial Parliament, that we are told now we are to pay no respect to, before she can secure a divorce. That is the law, and she has no case at all until that is done, and after that she can prove adultery and get relief. There is another case where she can get relief at once, and that is in the case where the husband not only committed adultery but incest by committing that adultery with his wife's sister, whom he could not marry. I refer now to another case to show the obstacles that are thrown in the way of the wife obtaining such a divorce and to show the distinction that is made between the two cases. That is a very singular case, a very hard one indeed, the case of Mrs. Moffatt. She married in 1819 (see page 658 of McQueen on Divorce) the husband dissipated and committed adultery on the night of the marriage. The child was born in 1821. He kept his debauch up and the wife returned to the father's house and applied for a decree of separtion, in the Spiritual Court. There was no opposition to the Bill, but Lord Brougham opposed the measure and it was rejected on a vote of sixteen to nine in the House of Lords. Then there is another instance in which the wife may get relief in which the husbond commits bigamy aud marries another woman. These two exceptions prove the rule, that the wife's position is eutirely different from that in which the husband stands.

Now we are not trying this case by declamation, let us see the evidence and see what there is to justify the wife in leaving her husband. Was she treated with violence, was she treated with cruelty? Had she nothing to eat? There is evidence here distinctly that her husband paid the bill for their board in his brother's house.

HON. MR. LEONARD—Out of her money.

HON. MR. DICKEY—I have no doubt it was out of her money, and you may call him a rascal for doing so, but she is not entitled to a divorce because he spent his wife's money. The point is this: she not only left of her own accord but without his authority.

HON. MR. LEONARD—She had plenty of money of her own.

HON. MR. DICKEY—She did more—when he went, as a husband ought to do, and asked her to return she refused to return. The evidence is to this effect:—

Q. "I ask you to say yes or no, did he ask you to return and live with him? A. He did. Q. Did he write to you after you left Montreal? A. He did. Q. Did you reply to those letters? A. I considered that he had no right to write to me. Q. What did you say in that reply? A. I said that any further communication between us would have to go between lawyers or something to that effect."

Here we are asked to decide this question upon sentiment and sympathy, and this woman says: "I decline to have anything more to do with you; you must consult my lawyer." She is asked again "did you refuse to return to him or reply to his letter?" and her answer is "I refused to reply to his letters any further." Now that is the evidence that she gives. Then she is asked by the Chairman in another place with a view of finding out whether her husband had treated her with personal violence or in any way that would justify her in leaving him: "Q. Did he ever illtreat you? A. I have told you that I have received no personal violence from him, but I have received some very unkind remarks." This does not stand alone, because this evidence of the wife as to the treatment she has received is confirmed by another witness who certainly must be considered an impartial one—I allude now to the testimony of the respondent's brother, and next to the testimony of Annie Boyle.

HON. MR. MACDONALD (Midland)—I would like to call the hon. gentleman's attention to a portion of the evidence on the first page, since he has made a great point about her leaving her husband:—

"Q. Was there any particular reason for your residing there at that time and not in a house of your own? A. Yes, he had no home to offer me. Our house which was next door was let at the time, and he had no business and no home to give me."

HON. MR. DICKEY—That is one of the objections. No doubt my hon. friend is perfectly right to call my attention to it: I intended to speak of it myself. That is the first objection she had to the man, that he had not money enough to buy a house to live apart from his brother and father. That is the secret at the bottom of the whole thing, and she went on and brooded over that and got into a condition—not that I profess for a moment to justify her husband in keeping away from her—that as the respondent's brother and others say the home she speaks of, which was the only home he had was made so unpleasant that he had to go out for company, and he went to the St. James' Club to play cards. I hope that is an uncommon thing, but at all events it is not an unknown thing.

HON. MR. GOWAN—Will my hon. friend think I am pressing him too much if I call his attention to an opinion of Lord Eldon, in the year 1832—an opinion directly the opposite to that cited by my hon. friend from the same authority.

HON. MR. DICKEY—I do not propose that the hon. gentleman shall have another speech in the middle of mine.

HON. MR. GOWAN—I do not want to make a speech, but I desire to prevent my hon. friend from falling into an error.

HON. MR. DICKEY—Annie Boyle, who was a house-keeper where these people all lived was examined as to the terms on which these people lived, and her evidence is as follows :—

"Q. On what footing did they stand? A. They seemed to be on the kindest terms any time I saw them. Q. How did Mr. Hart treat his wife? A. In my presence I think the kindest that I have seen men treat their wives. Q. How did she behave and act? A. She was kind to Mr. Fred, and if Mr. Theodore or Mrs. Theodore would say anything, I would hear her frequently taking his part in Chestnut Hall. Q. What was Mrs. Frederick Hart's disposition and character and behaviour towards her husband? A. In my presence they were always kind to each other. I never saw her unkind to Mr. Fred nor Mr. Fred unkind to her."

This is the person whose violence towards his wife has been spoken of. One of the charges made against the respondent was that he took no interest in his children, yet we find the following in the evidence of this witness who lived seven years in the house.

Q. Do you know whether Mr. Fred. Hart was fond of his children? A. Very fond of them indeed, as far as any person from outside could see. Q. Did he appear to treat them as a father should treat his children? A. For anything that I saw of him, I saw him treat them well."

The brother confirms that, as hon. gentleman will see if they think proper to consult the evidence. He is asked distinctly "Did you ever hear any complaint from her as to the treatment she received from her husband?" He is the brother-in-law and knows all about the difficulties between them. He says "No, I heard no objection that she ever made except his staying out at night and playing cards." That is the whole trouble. It is most unfortunate that he should have done so, because it led to this unfortunate woman leaving her home and, in the language of the law, to conduce and contribute to that man's falling after she had so left him alone to take care of himself. Under these circumstances, she had a different course before her. If she had any cause for desertion, such as beating, violence, cruelty of any kind, she could have complained and found a remedy. She could have applied to the court for a separation from bed and board. She would have been entitled to it, but she did not do that. This thing drifted on until, being separated from his wife, he got into bad habits. It has been said, and there is no doubt about it, that there is proof of adultery in 1886 and 1887. I have no manner of doubt of his guilt. The judge who tried the case had some doubt, and perhaps had a better opporrunity of judging than I had, but speaking from the single fact that this man refused to put himself in the box and contradict the witnesses brought to prove his guilt, we have a right to assume that those witnesses told the truth, and that in the years 1886 and 1887 he had been guilty of the offence.

HON. MR. MACDONALD (Midland)—The hon. gentleman states distinctly that she made the house so disagreeable that her husband had to leave it. I will call the hon. gentleman's attention to the evidence of the respondent's brother :—

"Q. You say that his wife constantly complained to you about his keeping late hours? A. She did constantly. Q. Had she ground for that complaint? A. Certainly she had. He did keep late hours. Q. Were you very much astonished? A. I complained to my brother myself about it."

HON. MR. KAULBACH—That is not denied.

HON. MR. DICKEY—I have stated that already in stronger language, because I have quoted her words that he went out of the house to play cards and spend the evenings away from her. He got into bad habits, which was very disastrous to the happiness of the family ; but I am afraid if every man who stays out late at night, and plays cards even for money, gives ground for a divorce or for the wife abandoning him to his fate, we shall have a good many applications for divorce. There is testimony to show that so long ago as eight or nine years this man was seen coming out of a house of ill repute. What is that evidence? It is to this effect, that he was seen about the door and was supposed to be coming from that house. The chairman examines him as follows :—

"Q. Then you are perfectly positive that this was Mr. Hart who is sitting here? A. Yes, I am pretty positive that that was Mr. Hart. Q. Have you any doubt of it? A.

I do not know, as he and his brother resemble each other pretty considerably, but I understood that it was Mr. Fred Hart."

This is a man he had only seen once in his life and to whom he had never spoken, and yet that is the evidence that is relied upon. It does not show anything like the offence charged against him; there is no evidence whatever that it came to the knowledge of the wife or could in any way have afforded her ground, even if she was suspicious, to justify her in leaving him. Now the woman who kept that house is asked as to his being there, and to a certain extent she confirms the statement that Hart was there. The evidence is as follows:—

Q. When was it you first saw Mr. Hart? A. About nine or ten years ago.
Q. You said he was with other gentlemen at that time? A. Yes.
Q. And he came in the evening? A. Yes.
Q. Did he have any connection with any woman in the house at that time? A. Not that I knew of.
Q. He simply came in in the evening with other gentlemen, stopped for a time, and went out again? A. Yes.

That is all the evidence: there is not the slightest proof of adultery.

HON. MR. KAULBACH—She never saw him until about two years ago.

HON. MR. DICKEY—It is not wonderful that a woman brought up as this lady was—because I am told she was a lady—should brood over her troubles, keep in her room, and make things unpleasant. Another witness stated, I think it was the Respondent's brother, that when she scolded her husband or attacked him in any way, he simply said nothing. Unfortunately he took to late hours, she deserted him, and I say she is not entitled to relief, because if an adultery was committed afterwards, she in the eye of the law contributed to it herself and must take the consequences. Under these circumstances I think the Bill should be rejected. I would not have risen to speak had it not been for the fact that the hon. member from Barrie cut himself adrift from the old established precedents which have been handed down to us from generation to generation and which I hope will ever guide us in our deliberations.

HON. MR. ALEXANDER moved that the Debate be adjourned until tomorrow, then to be the first order of the day.

The motion was agreed to.

At 6 o'clock the Speaker left the Chair.

AFTER RECESS.

PUBLIC PRINTING AND STATIONERY BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (60) "An Act to amend chapter 27 of the Revised Statutes respecting the Department of Public Printing and Stationery.

He said—This is a bill which is intended, like others we dealt with yesterday, to re-arrange the existing law in some respects. There is nothing new in it at all that I am aware of, and the particulars of each clause I think would be best explained when we take it up clause by clause in Committee. I may say that most of the amendments are mere amendments of routine. For instance the first amendment assigns to the Clerk of the Printing Committee, some work which was assigned by the existing Act to the Clerk of the House, whereas the Clerk of the House has nothing to do with the printing, and the Clerk of the Committee is specially charged with it. Then it makes some further alterations which exempts books for penitentiaries as well as books from the library from duty.

The motion was agreed to and the Bill was read the second time.

COUNTERFEIT MONEY ADVERTISING BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (108) "An Act res-

pecting the advertising of counterfeit money."

He said—This is a Bill creating a new offence. There is a practice, which is rapidly growing through the whole country, of offering for sale, and in some cases advertising counterfeit bills. It has been a very common practice in the United States, and it was there called, I think, the "Sawdust game."

HON. MR. SCOTT—Green goods.

HON. MR. ABBOTT—Yes, and green goods. Purchasers were defrauded by being shown a bundle of genuine notes, which on examination were found to be so like the genuine, that the purchaser was induced to buy; but by some means the genuine notes are smuggled away and a parcel of the same size containing saw-dust or rubbish is put in its place, and the purchaser very deservedly is swindled. The practice is one that needs some legislation, and this Bill is for the purpose of punishing anyone who sells or advertises any such counterfeit money.

HON. MR. POWER—It is almost a pity that this Bill does not provide some punishment for the man who buys.

HON. MR. KAULBACH—I think it provides against both seller and buyer.

HON. MR. POWER—The Bill, of course, is a step in the right direction, but the leader of the House will see that as a rule the people who circulate these goods are in the United States and the people who write for them are as a rule in Canada.

HON. MR. MACKAY—Not always.

HON. MR. POWER—As a rule I said. It may be said that the person who purchases and gets instead of counterfeit bills a little sawdust or blank paper is sufficiently punished by losing his money, but I think there should be some additional punishment.

The motion was agreed to, and the Bill was read the second time.

CENTRAL ONTARIO RAILWAY BILL.

SECOND READING.

HON. MR. READ moved the second reading of bill (102) "An Act respecting the Central Ontario Railway Company."

He said—This bill asks to change the terminus of this line. An Act was passed last year fixing the terminus at a point between Pembroke and Callandar Station. Now the company wish to build the line to Sudbury. Another provision is to enable them to issue bonds to the amount of $30,000 a mile, instead of $20,000. They find that the route is a very expensive one to build.

The motion was agreed to and the bill was read the second time.

THE FERRIES BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on bill (39) "An Act to amend the Revised Statutes of Canada, chapter 97, respecting ferries."

In the Committee, on the first clause,

HON. MR. POWER said—There was a good deal of discussion on this Bill at the second reading. Has the Government anything further to say about it?

HON. MR. ABBOTT—I do not know that there is much more to be said. The Bill makes two important changes, which do not cover much ground, and they were thoroughly discussed at the second reading. The first clause is to render public competition unnecessary.

HON. MR. POWER—That is the essential one: that covers the whole ground. It struck me that the reason given by the leader of the House for making this change in the law was not very satisfactory, and I thought that possibly the hon. gentleman had, since the second reading, fortified himself with reasons which would appear more con-

vincing. I regret that he is not in that position. Monopolies are bad in themselves, and very strong reasons should be given for creating or keeping them alive. We are now about paying a very heavy price for getting rid of one monopoly, and it is unfortunate that the Government while freeing one portion of the country from a monopoly of one kind, should take steps to fasten monopolies of a somewhat similar character on other portions of the country.

HON. MR. ABBOTT—Of course I am unable to answer the hon. gentlemen as to the monopoly he speaks of: I am not aware of any monopoly that is being got rid of at any expense whatever. I am aware that an important monopoly is being got rid of, but not at all at the expense of the country. However, we shall have an opportunity of discussing that later. I cannot improve this clause in any way. I have talked the matter over with my colleague and he assures me that the experience of the Department in this respect is precisely what I stated on a former occasion. Public competition in a case of this kind amounts to nothing more or less than this--that a person who wishes to get money for withdrawing from competition, puts in a tender at a lower rate than the regular ferryman, without the slighest intention of fulfilling it, and the sole result is to put the person, who has incurred great expense to prepare to carry on the ferry, in a position of paying blackmail to get rid of pretended competition. It gives a vast deal of trouble, and is of no benefit to the public. This matter has been discussed at considerable length. I can assure my hon. friend that it has not been done without careful consideration. If at any place there are two persons who have the necessary equipments, the claims of both will be considered, and those who have confidence in the Government will believe that they will do their best to see that the best man gets the license.

HON. MR. VIDAL—Could two licenses be issued?

HON. MR. ABBOTT—It is not usual.

HON. MR. VIDAL—There are two at Sarnia.

HON. MR. ABBOTT—This clause only applies to the international ferries. It does not apply to ferries between Provinces, where public competition is required.

HON. MR. POWER—I might suggest to the hon. gentleman that the possibility of blackmailing could be avoided by requiring each person tendering for the ferry to make a deposit, as is done by persons entering into competition for the construction of railways and other public works.

The clause was adopted.

On the 3rd clause,

HON. MR. SCOTT—This is the clause that I brought under the notice of the Minister when the Bill was up for second reading. It is in reference to ferries between Canada and a foreign nation. I maintain that it is contrary to the policy of nations to establish a ferry of this kind. It requires the combined action of the two countries, and that is an exceedingly difficult thing to do. The traffic between this country and the United States has assumed very large proportions at Sarnia, Windsor, Prescott and other points, and it would be a very serious block to public traffic if the Government were to tie up these ferries for ten years. All I have to say is that a better and wiser Government will have to untie it and buy out the lessees. I was advised a year or two ago that the policy of the Government was to be changed, and that it was intended to throw open the international ferries, because a very serious abuse had been introduced in consequence of keeping up this monopoly. I can understand the Government having absolute control over interprovincial ferries, as to giving licenses, but I maintain that between Canada and the United States, where we have this enormous traffic, it ought to be left open and free to public competition and should not be taken charge of by the Government. It would be far more convenient and satisfactory. It is time the Govern-

ment gave up the right to establish these monopolies. These rights have been handed over to municipal authorities at times for a term of years. The town of Prescott had the right at one time, and I believe the town of Sarnia has absolute control over the ferries there. I do not know whether Windsor has or not, but if an election were to come on in a few days, Windsor would be given the right to control the ferrying there also. That ought not to be the case ; it ought to be left as free as the traffic between the two countries. There ought to be some fixed principal as to these international ferries.

HON. MR. KAULBACH—Does it not require the united action of both countries ?

HON. MR. SCOTT—Yes, and that is where the log-rolling will come in. It resolves itself into a double-barreled arrangement, and results in a man on either side getting a license from his own country and these two, having acquired a license, combine for a monopoly of the ferry.

HON. MR. ABBOTT—That would be the course whether the Government gives a license or not. The ferrymen on either sides will get a license, and they can unite and then there is a combine. A man with two or three valuable ferry boats on this side and a man with two or three valuable ferry boats on the other side may combine ; then what becomes of the protection of those who cross if there is no license system ? With regard to this international ferry, we will not grant this license except under certain conditions, and the licensee puts himself under certain control.

HON. MR. SCOTT—But the point is, you give it to one person for ten years.

HON. MR. ABBOTT—Yes, on certain conditions with regard to public convenience, public comfort, and safety ; and as to the rate charged to passengers. I must submit to the House that these are the most important conditions possible to impose on ferrymen, and if ferrymen are not to be registered and licensed, where does the Government get its authority ? Without this control, a monopoly could be established by the construction of large, powerful boats that would break down competition ; and the owners would just charge the people what they pleased, cross when they pleased, and do exactly as they pleased. This gives the Government the entire control, and I venture to say that this policy which has existed for many years, even during the time of the hon. gentleman's Government——

HON. MR. SCOTT—The hon. gentlemen misses the point : you are tying up the ferry and giving it to one person only, because you say " a ferry license " These regulations may be made, although it is perfectly open to competition ; so long as you will allow anybody to ferry, subject to regulations, it is all right. My objection is to giving it to one person for the long period of ten years to the exclusion of everybody else.

HON. MR. KAULBACH—Is there anything in the bill to prevent smuggling?

HON. MR. ABBOTT—Yes, there is a provision for the cancellation of the license if smuggling is permitted. The advantage of this long term system is that it secures better accomodation than the mere transitory license will procure. Ferrymen will not get up valuable and handsome boats for this service under a license for two or three years.

HON. MR. READ, from the Committee, reported the bill without amendment.

CHIGNECTO MARINE TRANSPORT RAILWAY BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (101) " An Act respecting the Chignecto Marine Transport Railway Company."

In the Committee.

HON. MR. POWER—There was some

discussion on this Bill at the second reading, and I had the misfortune by the few observations I made, to provoke a comparatively long discussion; and as I had no opportunity to say anything at that time, in defence of my position, on the motion to go into Committee I shall venture to say a few words on this point. I notice the hon. gentleman who leads for the Government here, and the hon. gentleman from Sackville, seem to think that, because in 1882 we passed an Act which made some provision for the construction of this railway and because in 1886 we ratified that first measure, therefore we were bound as a matter of good faith to give this further measure that is asked for now. I think that is not at all a fair way to state the position. This scheme was brought before Parliament in 1882. Certain provisions were made by the Act which was then passed, provisions which were alleged at that time by the promoters of this scheme to be sufficient to secure the construction of the work. Parliament had done then, as I understand, all that was asked. Four years went by and nothing was done. The leader of the House and other hon. gentlemen rather pooh poohed my profane suggestion that there was some connection between those bills and elections shortly after the passing of the bills. I can only say that the coincidence was a striking one, and the fact that nothing was done under either of those measures was calculated to make one more suspicious that it was something more than a mere coincidence. What is the position now? The promoter of this measure, first got what he asked, and then came four years afterwards and said that the encouragement that the country gave him in the first instance was not sufficient—that he wanted a little more, or that he wanted the subsidy arranged in a different way and the work would go on. He got what he asked, but the work has not gone on, and the fact that there has been no beginning of the work goes to show that there is very little merit in this scheme. This gentleman has had his scheme on the money market in London, and I presume in New York for years, and the fact that he has been unable to float it is the best evidence, that in the minds of practical business men, it has no merits. There is this further fact, which is a very important one, that when in 1882 we passed the first measure providing for the construction of this railway we had an overflowing treasury. That was the time when hon. gentlemen opposite used to boast of the difference between those days and the previous days when the Liberal party were in power. But times have changed since 1882. The largest deficit of the Mackenzie *régime* has been very considerably exceeded under the present administration, and for the current year we have a deficit. There is a prospect also of a deficit during the coming year; and the Finance Minister, the very gentleman who secured the passage of this measure in the first instance, who I imagine secured its passage in 1886, and who I presume is at the back of it now, has declared that owing to the extreme stringency and the scarcity of money in the Dominion Treasury he is unable to give the usual grant of $10,000 to the Dominion Exhibition, which was to be held this year in his native Province. There are other reasons why we should not vote $170,000 a year to this undertaking, which is at the very best an experiment. No hon. gentleman can point to any instance where such a ship railway has been tried on a large scale. Why should a poor country like this, that cannot afford $10,000 for a Dominion Exhibition, pay $170,000 per year for twenty years for the purpose of trying an an experiment which has not been tried anywhere else on a large scale. When we say that the scheme has no merits—that it has no commercial value—an hon. gentleman quotes to us what was said by writers fifty years ago.

HON. MR. BOTSFORD—No.

HON. MR. POWER—The hon. gentleman read from Haliburton's history which was published some fifty years ago. Things have changed since then. When Haliburton wrote his history there were no railways in the country. Now, there is the Intercolonial Railway which does not pay, and the object of which is to bring the products of the west down to the sea-coast and to carry the products

of the coast back to the west. Suppose you construct this ship railway and it is successful, as the hon. gentleman drew a picture of this contrivance, carrying over it freight from Montreal to St. John, what will it be doing? It will be simply doing the work that we have built the Intercolonial Railway to do, and the work which we are now subsidizing the Short Line Railway to do. Why should we cut our own throats in that way, and having spent money to build the Intercolonial Railway, then spend more to-morrow for the purpose of assisting an undertaking which will only take the business away from that railway.

HON. MR. KAULBACH—It will never do that.

HON. MR. POWER—Then if it does not do that, why are we to build it? We are building it then simply for the purpose of enabling American fishermen, who may happen to be in the Gulf of St. Lawrence, to get into the Bay of Fundy by a shorter route than they now have. Are we to spend $3,000,000 of public money for the purpose of enabling American fishermen to find a shorter and an easier way from the fishing grounds to their own ports? I hardly think the hon. gentleman would seriously propose to Parliament to pass a measure of that sort. One fact was adverted to by the hon. gentleman from Prince Edward Island, but it was not dealt with at all by any hon. gentleman who supported this measure, and that is the fact that during the whole winter season this work would be of no use whatever, because that portion of the Gulf of St. Lawrence is practically inaccessible to vessels until about the first of May; and then during six months of the year you would have this contrivance running in competition with the Intercolonial Railway, with the Short Line Railway, with the railway from Shediac to St. John, with the railway from Tormentine to the Intercolonial Railway, and the railways from Amherst to Pugwash, Wallace and the Joggins. We have spent money enough on those railways; and there is no reason why we should spend more money in the County of Cumberland to provide a competing work. There is another feature in connection with this scheme; we have never had any indication that there is, anywhere outside of two counties or beyond twenty miles from the route of this railway on either side, any desire for the construction of this work at all. The way in which assistance should be sought for works of this character is this: there should be first a sense in the public of a reasonably large district that such work is of value to the public. Then, if it is a work to be carried on by a private company, some responsible persons should form a company and subscribe some money, and show their willingness to put their own means into the undertaking. Then it is a proper and legitimate thing that they should come to Parliament and ask that in view of this private undertaking of theirs being of considerable value to the public, they should receive public assistance. The very first requisite is absent in this case. There is no strong sense in the Lower Provinces that this work is desirable or necessary. There has been no association of persons who have subscribed their own money and shown their faith in the work. It practically amounts to this, that there is in this case a promoter whose name has been mentioned here several times, who, no doubt, honestly believes that this undertaking is a valuable one; and I presume there are some political promoters who think that the dangling of this work in the eyes of the electors of two counties will be of value in election time; but no practical business men have gone into it and put their money into it. The promoter of this scheme comes to Parliament and asks us to give him the money to construct the work—for I hardly hesitate to say that cheap as money is to-day, this grant of $170.000 a year for twenty years would secure anyone who should advance the money for the carrying on of the work, even though it never realized $10 interest on the cost. That is where the danger is. If the people who are constructing it were running any risk from its failure to pay, then I should say that there was no danger, as the work would not be constructed.

HON. MR. BOTSFORD—The promoters run all the risk.

HON. MR. POWER—At the rate at which money is to be had now, this $170,000 a year is equivalent to a capital sufficient to construct that work, and all that the company have to do is to construct it, and the capitalists who advance the money run no risk, because they have the security of the Dominion of Canada for the re-payment of their money, even though the work never pays $1 of interest. It just comes to this : it is one of those cases where the work is comparatively of no value ; it is not asked for by any large body of people, and it is a case where the country takes all the risk of trying a very expensive experiment where the probabilities are not in favor of success.

HON. MR. DICKEY—My hon. friend has stated that this work is an experiment, and that the experiment has to be tried at the expense of Canada ; but he has surely not paid attention to the fact that the work at first is certainly at the expense of the gentlemen who find the money. It is not in any sense an experiment at the expense of Canada. The hon. gentleman says that it is a project for the benefit of the County of Cumberland, and he entirely ignores the benefit of that work to other portions of this Dominion. Surely he has taken a very narrow view of this question when he confines it to the County of Cumberland. It happens to be the portion of the Dominion which holds the ground over which this railway shall pass, but the benefit of it is not confined to that county. The ultimate benefit of it will have a much more far reaching effect, because it extends to the whole southern coast of the Province of New Brunswick, and the whole northern and western coast of Nova Scotia. This is a work which is contemplated to pass over the isthmus in order to make trade not only for the county of Cumberland, which may be benefited by it in a very small and limited sense, but to carry the benefits of it to the trade, navigation and traffic of various other portions of the Dominion. It is said also that there is at present no association to carry out the work. What does that mean ? It means this. That until the Bill is passed there can be no association. There can be no capital subscribed and no steps taken to carry out this project.

HON. MR. POWER—Why ?

HON. MR. DICKEY—Because my hon. friend knows well enough in no market of the world can you ask for capital until you get the necessary legislation. The gentleman that my friend has referred to is merely the promoter of the bill and if this legislation is not granted his work must fall to the ground and he must lose all the money that is put into it. The trouble is, I am sorry to say, that in its geographical aspect this work is unfortunately confined to the county of Cumberland and is not a project to make a railway over any portion of the Dominion which exists near Halifax. That is really the trouble of my hon. friend in the matter, because when the Dominion, in more troublous times, when money was scarcer and interest was higher, when large expenditures were asked for Halifax, to extend the Intercolonial Railway to that city, my hon. friend's voice was then not found to object to that expenditure and he would not object to it now—

HON. MR. POWER—No.

HON MR. DICKEY—He would not object to this expenditure if it were immediately beneficial to Halifax, but because, as he says—and says I apprehend untruly—the expenditure is confined to the county of Cumberland, it should not be incurred.

HON. MR. POWER—I did not say that.

HON. MR. DICKEY—It is an expenditure of public money for the purpose of establishing a means of communication which happens to be, by the mere fact of the geographical situation of the country, through the county of Cumberland, but it will ultimately benefit to an immense extent the trade of this whole Dominion. That is the question which is before the House, and I am sorry to find that my hon. friend, after allowing the principle of this question to be determined on the second reading, without

even asking for a division, is now endeavoring to throw obstacles in the way of this great work—this great experiment, as he calls it, but if it is an experiment, it is to be tried, not at our expense, but at the expense of the people who find the money in the markets of London. It is only after the expenditure of this five millions of dollars that Canada will be asked to contribute one dollar to recoup those people for the expenditure they have incurred. Under these circumstances, it seems to me—I will not say, a factious opposition, but an unreasonable opposition to this Bill, because if this work is constructed, it will benefit the whole Province of Nova Scotia, except perhaps the County of Halifax, because my hon. friend thinks the expenditure would be useless unless it is extended to the city of Halifax.

HON. MR. POWER—I am surprised at such an assertion!

HON. MR. DICKEY—That is really the point in this matter. My hon. friend has talked of competing communications. As I said yesterday, we have got beyond the mere question whether it will be necessary to have more than one means of communication to the great American coast and from that to the West Indies and South America. My hon. friend was not prepared to make the same objection to the expenditure on the Short Line Railway, which was to be a competing line, to a certain extent, with the Intercolonial Railway which terminates at Halifax.

HON. MR. POWER—I made that objection.

HON. MR. DICKEY—He made the objection, but in what manner? Perhaps in the feeble manner that he expressed yesterday when he opposed the second reading of this Bill. The Bill has been read the second time, and it is beyond the power of my hon. friend to say now that it should not become the law of the land. The faith of this Parliament and of the Government of the country is pledged to the carrying out of this great undertaking, but if is to be the success that it will be, as I hope, I wish to make it quite clear to the House that it is not to be built at our expense, because the whole five million of dollars must be expended before the experiment is fully tested and carried out. After the declaration of this House, at the second reading of the Bill, it is unparliamentary to oppose it now, and I trust that the House, in going into committee, will not object to the further progress of this Bill and will carry it out in perfect line with the legislation of 1882, confirmed by the legislation of 1886, and now asked to be confirmed merely for the purpose of enabling them to take what has been granted to other companies under similar circumstances.

HON. MR. KAULBACH—My hon. friend from Amherst has paid the hon. member from Halifax a compliment that I could never pay him myself—that is, that he is standing up for the interests of Halifax. I always thought that the senior member from Halifax was so blinded by partisan feeling that he did not see what was in the real interest of Halifax. My hon. friend from Amherst looses sight of another fact—that this railway is for the general benefit of Canada by virtue of crossing the Intercolonial Railway. The statute says that any line crossing the Intercolonial Railway is a work for the benefit of Canada.

HON. MR. DEVER—My hon. friend from Amherst has demolished the arguments of the hon. member from Halifax with the exception of this one: he seems to make a point that the waters by which this work is to be approached will be frozen six months in the year. The same objection applies to the Rideau canal and other canals of the Dominion.

HON. MR. POWER—We are not dealing with the Rideau Canal now.

HON. MR. HOWLAN—Even the harbor of Halifax freezes sometimes.

The motion was agreed to and the bill was referred to a Committee of the whole House.

HON. MR. PELLETIER from the

Committee, reported the Bill without amendment.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. POWER—I wish to say just one or two words in reply to the charge of narrowness which has been made against me in connection with this measure. I am not actuated by the narrow feelings which have been attributed to me; and I venture to say further that if it could be shown to the satisfaction of Parliament that a scheme such as that which has been advocated by the hon. gentleman from Alberton, (Mr. Howlan) was certain of success and could be successfully put into operation by the granting of a subsidy of the same amount as that proposed by this measure I should support it; because that scheme meets a want which is recognized all over the country. It carries out a pledge which was not made in an informal conversation amongst delegates, but a pledge which was in the statutory agreement made when Prince Edward Island entered the union. I do not think I am open at all to the charge that has been made against me. My objection to this measure is that I look upon it as being simply an utter waste of money.

The motion was agreed to and the Bill was read the third time and passed.

CUSTOMS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the whole on Bill (92) "An Act to amend chapter 32 of the Revised Statutes respecting the Customs."

In the Committee, on the fourth clause—

HON. MR. POWER said—I think this clause calls for some observation. As is well known the administration of the Customs Department during the past few years has been such as to attract a good deal of public notice and that notice has not always been of the most favorable character. When I say that, I do not mean at all to criticise unfavorably the present Minister of Customs. I think he is a gentleman who devotes his time to his Department in a manner wihch is not only highly creditable to himself but which affords a good example that many of his colleagues fail to follow. But the Minister of course is only one wheel, as it were, in a large and complicated body of machinery; and he is more or less powerless; and the impression that one gets of late years is that, the importer, the man who pays the duties and furnishes the money that runs this Governmental machine is regarded as a public enemy. That is the spirit in which the Customs law is administered; and one object of this measure is to enable the Government to get that public enemy more completely under their control than he is at present. This 4th clause contains a provision which, I think, is of that tyrannical character. It provides :—

"If the owner, importer, or consignee refuses or neglects to pay the said duty and additional sum within six days after notice so to do has been served him personally or by leaving the same at his domicile or place of business, the goods shall be seized and forfeited."

Now in the existing law there is no time limited. The whole effect of this is to render the law more stringent. The new clause also provides that the twenty per cent shall be reduced to ten per cent, and that if the duty and the additional sum is not paid within six days, which is a very short time, then the goods shall be seized and forfeited. It strikes me that six days is altogether too short time. If the importation happens to be a very large one, I think it is an extreme measure to forfeit the goods simply because the importer may not be in a position to pay the duty and the increased charge within six days after he gets notice to do so. I think perhaps some of the business men in the House can make suggestions which will be of more value than anything I could propose, but I am satisfied the time ought to be extended.

HON. MR. ABBOTT—I was about to move a slight amendment to this

clause. However this clause ought not to have been the subject of attack, because it makes a very important change in favor of the importer. Under the former law the penalty imposed was much larger.

HON. MR. POWER—The hon. gentleman will remember that I objected to the last part of the clause.

HON. MR. ABBOTT—My hon. friend would not condemn the Act, I hope, because one portion of it may not be such a modification as he desires, if all the rest of it is more valuable than the existing law. The Act on the Statute Book provides that there shall be levied, in addition to the duty, a sum equal to one-half the duty so payable, and if it is not paid that the goods shall be seized and forfeited. Under the existing law the goods may be forfeited if the importer refuses to pay on the account being presented to him. This clause, while it reduces the amount of under-valuation, which would justify a forfeiture, reduces very largely the penalties, and I am prepared to move an amendment to this clause, to increase the amount fined, as the test of improper under-valuation, from ten per cent. to fifteen per cent. The merchants have made representations that ten per cent. is too small a margin, and while twenty per cent. was considered too large, we have agreed, on the representations of one or two of the Boards of Trade to make this fifteen per cent. instead of ten per cent. I understand that with that alteration the Board of Trade of Montreal and the importers who have taken a lead in the movement, are satisfied. I propose to move that in the fourth line of the new section eight, the word "ten" be replaced by the word "fifteen." The penalty is largely reduced by the latter part of this clause.

HON. MR. POWER—Perhaps as the hon. gentleman has gone so far he might alter that other portion which limits the time to six days.

HON. MR. ABBOTT—I hold here some long communications received both by the Minister and myself from the merchants and they do not complain of the six days' term. It will be a perfectly well known delay, and whatever a man may fail to pay he never fails to pay his duties. I do not think we could alter that advantageously.

HON. MR. MACDONALD (Midland)—The clause is framed, I have no doubt, to protect the Customs, and at the same time to protect the honest importer.

HON. MR. ABBOTT—The mode of determining the true value for duty is not fixed in this section. It only provides for a case where the true value is underrated.

HON. MR. MACDONALD — The question will arise, and it will be a very embarrassing one indeed, if the duty has to be determined in the case of the honest importer by the Custom House officer, if the importer has bought goods in the open market and at a fair price, and if he is to have ten, twenty, or twenty-five per cent. added to it, he will be placed in a position of great embarrassment. It is putting a very arbitrary power in the hands of the Custom House officers. I apprehend that is the mode of reasoning of the hon. member from Halifax, and if so, his point was very pertinent. For example, those of us who are at all conversant with business, know that a sudden change of twenty to twenty-five or forty per cent. may take place in the price of any commodity in the course of four or five weeks. The very fall in price would be an inducement for an importer to go in and buy at the reduced price. Then if the question of value was to be raised, and if the *ad valorem* and specific duty, or whatever it may be, was to be placed on a price that prevailed six weeks before, the whole object of the purchase is defeated. The clause ought to be so framed that unless it can be shown that there is an attempt to defraud or deceive the penalty cannot be imposed; where the importer buys in good faith this matter of adding to the price ought not to be a power put into the hands of the Customs House officer.

HON. MR. ABBOTT—I do not know that there is any object in discussing this question, at this particular stage of the Bill, because this clause has nothing to do with it. The question my hon. friend is discussing is the valuation of goods for duty, and that is disposed of by a chapter of the Customs Act, commencing with section 58, which defines the mode in which the value for customs duty shall be ascertained.

HON. MR. MACDONALD, (Midland) —The question raised by the hon. gentleman from Halifax about the six days time is important. The six days are altogether inadequate to enable one to secure the necessary proof, or to be prepared to combat the position that may be taken by the customs officer, and I think the point that has been raised ought to be met. I should say the time should be at least a fortnight.

HON. MR. ABBOTT—My hon. friend is dealing with another portion of the Act. That is when the value is fixed, there is an appeal to a tribunal created by the Customs Act, if the importer thinks his goods are not properly valued. That does not interfere with the six days at all. The importer, if he is dissatisfied with the decision as to the undervaluation, may appeal and discuss it in other ways, and the six days only count from the time when the amount of the penalty is fixed.

HON. MR. POWER—The hon. gentleman has spoken as though at the present time it was open to the Department to forfeit the goods immediately. I do not think that has been the result in practice, because I find in this note from the Department that no limited time is specified within which the said payment must be made. So that as it now stands the importer has practically almost unlimited time to get money. What I contend is this, that when we consider the large sums that are involved, and the not very rapid way in which our people in the Lower Provinces do business, to say that, unless the duty which the importer has calculated upon and the additional duty which he perhaps has not calculated upon are paid within six days the goods shall be forfeited, is putting too great a power in the hands of the Customs Department, and I agree with the hon. gentleman from Midland that the time should be at least double that.

HON. MR. DEVER—Yes, under any circumstances.

HON. MR. ABBOTT—My hon. friend will admit at once that if the duty is due, and no time is fixed for payment, it is due on demand, and there is no doubt the customs officer could demand it and if it is not paid on demand he has the right of forfeiture. We must remember that when the importer goes to enter his goods he is ready to pay the duty, and the small additional penalty created by this clause is not sufficient to prevent him from paying it within six days after the penalty is fixed.

HON. MR. CLEMOW—I think this clause is intended to meet a very common practice. A person importing may have a couple of invoices, and he enters his goods on the lower invoice, and when he is detected, he is required to make an additional entry, and has six days allowed in which to pay the penalty. I do not think he should have an hour, and in a great many cases this clause will prevent such a course.

HON. MR. POWER—The hon. gentleman would make an admirable customs officer, because he seems to take the ground that the importer must necessarily be a scoundrel. That is just what the merchants of this country complain of—that the department takes the ground that all importers are anxious to defraud the revenue.

HON. MR. CLEMOW—I did not say anything of the kind; but I do know that those frauds are perpetrated on the customs, and the object of this clause is to prevent such frauds.

HON. MR. POWER moved to amend the clause by substituting ten days for six.

The motion was lost on a division The clause was then agreed to.

On the fifth clause.

HON. MR. ABBOTT—The want of uniformity in the charges, which was complained of at the second reading of the bill, is largely caused by articles being placed in one category by a customs officer in one port, and in another category by an officer in another port, and this is to give the Board of Customs power to decide under which category it should come.

HON. MR. POWER—The Committee will observe that when a difference arises as to the rate of duty payable on any goods, then the question is to be decided not by an independent tribunal but by the Board of Customs. The Board of Customs is to be composed of the Minister of Customs and some of his subordinates; so that the rate is to be fixed by one party, the dispute is to be settled by the same party, and the importer has no say in the matter. It may be contented that this will make the law more workable, but it seems to me that the Governor in Council was a more independent tribunal for an aggrieved party to appeal to than the Board of Customs. I do not think this is a step in the right direction.

HON. MR. ABBOTT—The hon. gentleman must allow us to assume that the officers of this department will be guided in some degree by a sense of justice in administering the law. I must confess that I myself have noticed the feeling which my hon. friend speaks of—that merchants and customs officers are very much inclined to look upon each other as natural enemies. I think the present Minister of Customs has done a great deal towards removing that feeling and has shown a disposition to meet the views of the merchants in every possible way, consistent with the requirements of the law. For instance he has sent down his deputy to consult with the merchants of Montreal on these regulations. Should the importer be of opinion that the rate decided by the Board of Customs is wrong, he still has an appeal to the Governor-in-Council, so that the same tribunal will ultimately dispose of it that did formerly, with this advantage, that the Board of Customs is more speedy in its decisions than the Governor-in Council could be expected to be.

HON. MR. MACDONALD (Midland)—I do not think there is anything to be apprehended under this particular clause. The first decision must be made by some one, and in this case it provides where there is no previous decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, somebody must make the first decision, and there is an appeal ultimately to the Governor-in-Council if necessary.

The clause was agreed to.

On the 9th clause,

HON. MR. POWER—I submit that the latter portion of this clause is objectionable, and I submit it for the consideration of the importers who are in the House. Section 41 of the Act is struck out and the following substituted:—

"41. No entry shall, except in cases in which it is otherwise provided herein, or by regulation of the Governor-in-Council, be deemed perfect unless a sufficient invoice of the goods to be entered, duly certified in writing thereon as correct by the person, firm or corporation from whom the said goods were purchased, has been produced to the collector, and duly attested as required by this Act, and in the case of consigned goods, verified by the oath of the consignor."

Now the Department is not satisfied with all the penalties imposed upon importers if they do not happen to do things according to the views of the Department; and here they undertake to say that the consignor in a foreign country shall make oath to the invoice. It seems to me that a provision of that sort inserted in the middle of a Bill like this is a sort of a trap for the unwary. A merchamt imports goods from England, and it happens that the shipper in England does not know of this most unreasonable requirement of our law, he forgets to verify his invoice by oath, and then the goods are stopped and cannot be entered.

HON. MR. MACINNES (Burlington) It is only in the case of consigned goods.

HON. MR. ABBOTT—The hon. gentlemen from Halifax will see that there is a difference between consigned goods and goods that are sold. When goods are sold the purchaser knows the price, and can swear to it, but when a consignor sends out goods to be sold, the consignee does not know anything about the price.

HON. MR. DEVER—Then how is he going to make oath in that case?

HON. MR. ABBOTT—The consignor knows the price, and he can swear that it is correct. That is the law now, and it has been the law for a long time. As will be seen by the Act, the Governor-in-Council may order the making of such an oath, and that was done long ago. The consignor must now, under that Order-in-Council, make affidavit to the invoice of whatever he sends out to the consignee, but this will be more generally known and observed if inserted in the Act.

HON MACINNES (Burlington)—It is a protection to the honest importer.

The clause was agreed to.

On section ten.

HON. MR. ABBOTT—This clause as it stands is precisely the same as it was before in respect of the damaged to rusted goods. Under the law as it stood no duty was refunded for rust on iron or steel except on polished Russia iron and Canada plates. That resulted from the constant demands which were made on the Customs department for refund of duties on that description of goods, so easily damaged; but it generally turns out that after all, the damage does not amount to much, as the rust may usually be removed by a little oil and sandpaper. The rule has been adopted in the United States that no reduction of duty is allowed on damage for rust. This subject has also been discussed between the Minister and the importers of Montreal, and in consequence of their representations he has come to this agreement with them, with which I believe they are satisfied; to add to the exception here, polished steel goods of any kind—that is steel goods which have a polished surface and which are more valuable and more likely to rust than ordinary iron or steel bars. I am told that it was a common thing for claims for damages to be made on a whole cargo of iron bars—a claim made on the Insurance Company and a claim made for refund of customs duties while after these claims have been paid importers have allowed the iron to lie out in their yards in the rain until sold. I propose to amend this clause by adding after "except" in line twenty-nine, "manufactured articles composed in whole or in part of polished steel." This I think will meet the wishes of the importers.

The amendment was agreed to.

On the 12th section,

HON. MR. MACDONALD (Midland) This section provides for the appointment of an appraiser and asssistant appraisers; I think it ought to be stated there also that these appraisers shall be experts. Men are very often appointed to positions in the Customs who are utterly ignorant of the value of goods, and hence arise all the difficulties of working out the Act. There ought to be some qualification other than that of mere political attachment, and I think it would be a very safe addition to that clause if you would put in these words "who shall be experts."

HON. MR. ABBOTT—I understand it is the practice invariably to select appraisers for appointment from men experienced in the different trades.

HON. MR. MACDONALD (Midland) Under the clause as it stands it is not obligatory.

HON. MR. ABBOTT—The only change that is proposed is that an assistant appraiser may be appointed where the duties are too heavy for the appraiser alone to discharge.

The clause was agreed to.

On the fourteenth clause,

HON. MR. MACDONALD (Midland) The law is not altered in the particular aspect to which I have called the attention of the House.

HON. MR. ABBOTT—The new clause is practically to the same effect as the existing law, providing that the value is to include any drawback in another country. It has been contended that as the section now reads, sections sixty-one and seventy-one conflict with it. Of course it is quite proper that where a foreign country allows a drawback on exports for this country, the drawback should be added to the value in estimating the value for duty.

HON. MR. MACDONALD (Midland) —On the class of goods with which I am familiar no such practice obtains as allowing drawacks.

HON. MR. ABBOTT—There is a drawback allowed on certain articles exported from some countries—sugar for instance.

HON. MR. POWER—As the law now stands, the customs cannot follow the imported article back of the country whence it was imported into Canada. If an article is imported into England from Germany or the United States, and there is a drawback on its export from either of these countries; if a Canadian happens to get a good bargain of it in England, why should the Customs authorities be allowed to go back of the selling price in England, and make the purchaser pay the same duty as if he had paid a higher price for the goods.

HON. MR. ABBOTT—If we had a free trade system, it would be a different matter altogether, but we are living in a protected country. We protect our manufacturers, and if we frame our law in such a way that foreign manufacturers could underbid ours by means of drawbacks by passing goods through a foreign country, the consequence would be that all the sugar that would come to us from the United States would come by way of Liverpool.

HON. MR. POWER—If we are to get sugar from the United States, then I think that the way the hon. gentleman suggested would be a very good one, because British bottoms would get the freighting of the sugar to Liverpool, and other British bottoms would get the freighting back to Canada, and then the Canadian importer would get sugar a little cheaper than he would by getting it from the United States direct.

HON. MR. ABBOTT—If the hon. gentleman admits our protective system to be correct, then he cannot get out of the propriety of this change in our Customs law.

HON. MR. POWER—If the protective system is one to make things dear, then it is an objectionable system. The hon. gentleman has given the article of sugar as an illustration, but the rule is not by any means confined to sugar.

HON. MR. ABBOTT—No, to any article exported under the drawback system.

HON. MR. POWER—There are other goods which are bought in England after being imported from continental countries, and they are sold at reasonable figures in England, owing to the drawback granted in the country of production. Now, why should you trace the goods back to the continent in order to make the importer pay a little more duty?

HON. MR. HOWLAN—The hon. gentleman will see that although the sugar is imported from the United States to Liverpool, it does not alter the paternity of the sugar, and the customs authorities, having a rate for that sugar, will not alter it. The sugar will have to bear the cost of freight across the Atlantic, the insurance and handling of it at Liverpool supposing it as a grade of sugar called No. 1 A or B or C it still has its value for duty and sending,it over to Liverpool will not alter its value. The same thing applies to cordage or other manufacturs which are exported under drawbacks.

HON. MR. DEVER—Surely it is not asking too much to calculate the duty

on the value of the article in the market where it was imported from?

HON. MR. SANFORD—I look upon that clause as being absolutely necessary for the protection of the legitimate trader. We find continually that there are drawbacks on certain lines of goods which in many cases are equivalent to the freights, and those who seek to do business in a legitimate way are forced out of the market by those means. The Customs Department and the merchants are constantly in difficulties from the fact that we are given to understand that certain drawbacks bave been granted upon certain goods and then told to secure certain duties upon a price which is perhaps ten or fifteen per cent less than we are paying on, and which is the legitimate price in the market. Under those circumstances the Government can only apply one principle in settling all questions of this kind.

HON. MR. DEVER—What is the use of a merchant going to a foreign market and buying goods at a reduced price if he is not allowed to enter them at a *bona fide* price that he paid?

The clause was adopted.

On the 16th clause.

HON. MR. POWER said—This clause strikes me as being on the whole an improvement on the existing law. At present when the importer is dissatisfied with the appraisement made by a Customs appraiser he gives notice to the collector, and on receipt of this notice the collector selects two discreet and experienced persons who decide the matter, and they transmit their decision to the Commissioner of Customs whose decision is final. That was a very lop-sided sort of justice.

HON. MR. SCOTT—This is about as lop-sided.

HON. MR. POWER—No, because the importer has a right to select one experienced and discreet person familiar with the goods in question, the collector selects a second, and these two, together with one selected by the Commissioner, deal with the matter. Although I do not think it is the best tribunal, still it is an improvement on the existing one. I wish to make one or two observations as to the mode in which this Customs Law is carried out. I had occasion to bring the subject to the notice of this House in connection with an importation from Europe to Halifax. In that case the importer appealed from the decision of the appraiser at Halifax. The Minister referred the matter to whom? To the Dominion Appraiser. He sent the importer's communication to the appraiser who reported that, although the case was as clear as could be, (the present Minister of Finance, having seen the correspondence, admitted that the case was perfectly clear on behalf of the importer), the local appraiser was right.

HON. MR. HOWLAN—Was that the dynamite matter?

HON. MR. POWER—Yes, as a result of further correspondence, the appraiser's own decision was sent to him for revision. It indicates that the Minister cannot help being controlled by his own subordinates. It has occurred to me that instead of having these tribunals within the Department there should be an appeal to some independent tribunal outside. If a question as to the construction of the Customs Law comes up, why should not that question be decided say by the Judge of the Exchequer Court or some one of that character, instead of having it referred to the officials of the Department, who are wedded to the ways of the Department and who, giving them credit for being as honest as the sun, still look at everything through the Customs' spectacles? Why not have a more independent tribunal than exists now? I think that if the Government should provide that in these cases the appeal should be to an independent court outside it would be a vast improvement.

HON. MR. HOWLAN—The merchant would have to wait for his goods all summer?

HON. MR. POWER—In most cases

the goods are delivered before the matter is settled. The importer gives security and gets possession of his goods. I rather think that was what was done, in the case to which I refer.

HON. MR. ABBOTT—I think my hon. friend from Halifax is quite right in suggesting that this is an improvement on the old system. As is now proposed, it is true that the Minister, or practically the Department, names two out of the three arbitrators, but the two first named arbitrators must be merchants. The experience of the Department is that when arbitrators from the trade are named, they work fairly well together. Take for instance the iron trade; there is not much likelihood where two iron merchants are named to settle a matter, that they will go against the interest of their trade. It is practically a log rolling matter; experience has shown that it is. Half a dozen importers of the same article come by turns to be arbitrators to settle disputes, and each takes care not to decide too strongly against his neighbour, for fear that he might suffer in the same way himself at another time. But the third arbitrator is an officer of the Department, and an expert; and will correct this tendency. And I am inclined to think that this provision will prove satisfactory. An entirely independent tribunal is not easily established; I do not know that the importers would like to be referred to a court of law in every case of dispute that might arise.

HON. MR. SCOTT—It works very well in the United States where it has been in existence for some time.

The clause was adopted.

On the 19th clause.

HON. MR. ABBOTT—Under the law as it stands there is no power given the collector or officers of Customs to examine a warehouse in which goods are stored in bond, and the result has been more than once, within my own personal experience, that when the warehouse comes to be examined—for instance when wine is stored there—it turns out that the casks are full of water. This clause gives power to examine the goods in bond, to see that they are not done away with.

HON. MR. POWER—This new clause says that the collector

> "Or other proper officer of Customs shall at all times have free access to any warehouse wherein are stored goods subject to duty. No lock or other fastening placed upon any such warehouse or upon, on or in any premises necessary to be passed through in order to obtain access to such warehouse shall constitute a bar to the entrance of such collector or other proper officer of Customs in the performance of his duty."

I think the hon. gentleman will see this in an arbitrary power to give to subordinate officers of customs. The collector is the only person who ought to have a right to enter any warehouse under such circumstances.

HON. MR. ABBOTT — But these goods are really in stores in the Custom house. They are called bonded warehouses, but they are really parts of the custom house, and there should be the freest possible access provided for every person whose duty it is to look after these matters.

HON. MR. POWER — It is a very objectionable thing that a subordinate officer of customs should have the right to break into a store.

HON. MR. DEVER—He does not break into the store: he merely goes into the warehouse.

HON. MR. POWER—He may break a lock or other fastening placed on any warehouse or premises necessary to be passed through in order to obtain access to the warehouse.

HON. MR. HOWLAN—It would be no warehouse if he could not do that.

HON. MR. ABBOTT—My hon. friend will see that it would be impossible in any large port for the collector to go and examine those places for himself. In a small port where there is not much business, it would not be so difficult, but surely a collector ought to be entitled to

send a confidential officer to inspect any part of the custom house.

HON. MR. POWER—Limit it to a confidential officer and it will be all right.

HON. MR. ABBOTT—Bonded warehouses are always considered open to the customs officials. There are two sets of keys, one of which is kept by the custom house officers. A man who would put a bar or lock on the door of one of those warehouses ought to be dealt with summarily.

HON. MR. DEVER—I have had considerable experience in these matters, and there is nothing wrong about a collector deputing to a subordinate officer the right to go into a warehouse. I think it is right and proper that there should be access always to these private warehouses. I have a strong suspicion that these private warehouses want a good deal of looking after.

The clause was adopted.

On the 21st clause,

HON. MR. POWER—This is another of those sections increasing the penalties. It adds the following words at the end of section 99 of the Act:

"And unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling such vessel."

Now, what is the offence for which the vessel is deemed forfeited. Section 99 is as follows:—

"If any vessel departs from any port or place in Canada without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if, having received a clearance, such vessel adds to her cargo or takes another vessel in tow, or performs any work without having mentioned in the reports outwards, the intention so to do, the master shall incur a penalty of $400; and the vessel shall be detained in any port in Canada until the said penalty is paid."

So that if a schooner takes on board a barrel of water after she has cleared she is liable to a penalty of $400 under the existing law.

HON. MR. HOWLAN—Oh no.

HON. MR. POWER—Well if she takes a vessel in tow for a mile or so the master under the present law incurs a penalty of $400. That is rather large for the offence, and for fear that should not be enough, unless payment is made within thirty days (and the man may be as poor as Job's turkey) the vessel shall be sold. I do not wonder that the American fishermen were irritated at our customs officials.

HON. MR. ABBOTT—This is a favorable clause to the importer. If the customs officers had not this power they would have to bring an action and keep the vessel until after judgment and sale under execution, and so make expenses which would exceed the penalty. An inexpensive process is provided by this Act. It enables them to sell the vessel if the master does not take steps to relieve the vessel from seizure. If a lawsuit is required he can have one. He can seize his vessel on the ground that it is wrongfully detained, but unless he takes some steps within thirty days the vessel may be sold.

HON. MR. POWER—It says "unless payment is made within thirty days."

HON. MR. ABBOTT—If he seizes his vessel and proceeds to prove that it is wrongfully detained, the thirty days do not run.

HON. MR. HOWLAN—This clause refers to the case of a vessel which arrives, say at Halifax, with a cargo, and after discharging her cargo she gives to the Customs a list of all the provisions etc., on board. She is chartered to go to the Straits of Canso and load. After clearing at Canso, loaded with lumber for example, if it is found that there are goods on that ship that were not entered, she would be seized. A case occurred last year in which liquors were found on board.

The clause was adopted.

On the twenty-third clause.

HON. MR. ABBOTT—This has refer-

ence to facilitating transactions with regard to bonds.

HON. MR. POWER—It does not seem to me that it is a very bad thing, if a vessel having no dutiable goods on board fails to report.

HON. MR. ABBOTT—She is bound by law to report.

HON. MR. POWER—The object is to prevent goods being imported without paying duty. If a vessel has no dutiable goods on board why should she be treated in this way if she fails to report?

HON. MR. HOWLAN—This is a very good law, it protects the innocent owner.

HON. MR. SCOTT—Who is an innocent owner in the eyes of the Customs authorities?

HON. MR. ABBOTT—The man that obeys the law.

HON. MR. SCOTT—I think the clause is abitrary and tyrannical. There may be no collector at the port, yet a vessel without dutiable goods on board is liable to a fine of $400 if she enters the port.

HON. MR. ABBOTT—How is a Custom House officer to know whether she has dutiable goods on board or not unless she reports?

HON. MR. SCOTT—Suppose my hon. friend is down salmon fishing and runs into a bay and some officer wanting to make a haul seizes the boat? That has been done. A gentleman from the United States, fishing in the Lower St. Lawrence, happened to run into some little place where there was no collector. It took two or three weeks before he could get it released.

HON. MR. ABBOTT—I do not know of any such case; I do not know that when I have been down there fishing, I always reported.

HON. MR. HOWLAN—The case referred to was that of Sir Roderick Cameron. The vessel sprung a mast, called at a port and got a new mast. She had to run in again at Moisie, and there she was seized.

HON. MR. DEVER—How far was the Custom House from the port where she entered for repairs?

HON. MR. HOWLAN—The Custom House was where she went, and she should have reported. This is a very good clause.

HON. MR. SCOTT—In my opinion it is a very arbitrary clause.

HON. MR. HOWLAN—Where there is no custom officer there is always a preventive officer and it is his place to report to the customs. I am sure the ignorance of the customs law will not exempt a man from complying with the regulation.

HON. MR. MACDONALD (Midland)—The clause appears to me to be a very arbitrary one. It admits that there is a possibility of a vessel entering a port from an unavoidable cause—a cause over which the captain has no control, and if the vessel has on board dutiable goods, it provides for the seizure of that vessel and sale of the goods even if it can be shown that the owner did not attempt to land the goods or to avoid paying the duties.

HON. MR. ABBOTT—The section provides that if the vessel enters, "unless from stress of weather, or other unavoidable cause," any dutiable goods on board, except those of an innocent owner, shall be seized and forfeited. That makes the exception which the hon. gentleman desires.

HON. MR. HOWLAN—A ship which leaves Liverpool, bound for Quebec, has no right to land where there is no port of entry except in stress of weather, the loss of spars or some unavoidable cause, and if she does land for other purposes she has no right to be there, and unless she reports to the proper officer the vessel may be seized, but the goods of an innocent owner on board will not be seized. I think it is a very proper clause.

HON. MR. READ—It would apply in the case of a vessel coming into a port with the object of smuggling.

The clause was agreed to.

On section 24.

HON. MR. ABBOTT—I propose to amend section 24.

HON. MR. POWER — It needs amendment.

HON. MR. ABBOTT—The provision in the act refers to packages delivered to the importer before examination. The act as it stands leaves it practically at the option of the customs officer to examine the goods, which are left with him as samples, when he pleases; and as long as he chooses to keep them in the Custom House the owner could not open the packages in his store. I understand that samples delivered at the Customs House for examination now are, as a rule, disposed of within twenty-four hours, still it was thought well to put a limit to the time which the Custom House officer might retain the samples for examination, and if he chose to retain them longer than that time the importer may open the goods. The limit is fixed at three days, which is satisfactory to the importers, and I propose to add an amendment to that effect, by inserting after "aforesaid" "provided always that this prohibition shall not extend beyond a period of three days after the goods designated for examination have been actually delivered at the examining warehouse."

HON. MR. MACDONALD (Midland)—It would be very embarrassing to a merchant to have his goods under restraint for three days. He might have parties in who want to see the goods and who could not remain three days until they had passed the customs. I cannot see why the Department, if properly constituted, could not make their examination of an invoice of goods in 24 hours.

HON. MR. ABBOTT—The hon. gentleman is not easily pleased. Under the present Act there is no limit to the time, and, practically the merchants do not deny that as a rule the importer was allowed to open his goods in his warehouse within 24 hours after the sample packages were delivered to the examining warehouse.

HON. MR. MACDONALD—(Midland)—Why not immediately?

HON. MR. ABBOTT—The packages have to be open and the goods have to be looked at, and in a busy season it is not possible to have a staff large enough to open every one of those packages immediately after their arrival. In practice it has been found, that as a rule the merchants have been enabled to open their goods within 24 hours after the sample has been deposited in the warehouse. The law does not prescribe any limit however and they complain that the customs officer might keep the samples for any length of time, and they ask to have a maximum time fixed after which they could open their goods in the warehouse whether the sample had been examined or not. The maximum has been fixed at three days.

HON. MR. MACDONALD—Assuming that an importation of 100 packages had been received, the customs officers may indicate any part of the invoice for examination that they see fit, say ten packages, and they are sent to the Customs House for examination, but in the meantime the merchant is allowed to go on and open his goods and sell. My hon. friend would see that it takes very much less time to examine ten packages than a whole shipment and he is quite right in saying that no importer is allowed to open any package until the sample packages are examined.

HON. MR. DEVER — Perishable goods should be opened and examined immediately.

HON. MR. HOWLAN—This only permits three days to elapse at the utmost before the importer can open the goods himself.

The clause was agreed to.

On section 133,

HON. MR. ABBOTT — There has been a dispute as to whether the Customs officer can seize smuggled goods without having a writ of assistance, and in some cases the absence of a writ of assistance enables the smuggling to be successfully carried out. This is simply to make it plain that the Customs officer may seize smuggled goods without a writ of assistance.

HON. MR. POWER—I think the revelations made with respect to certain recent seizures go to show that these officers engaged in preventing smuggling should not have any more power than they have at present. If anything, their powers now are excessive; and it does not appear necessary that an officer should show any authority for what he does, and officers have done some most outrageous things in the way of entering warehouses at night, and that sort of thing; and then the mere averment that the officer was employed by the Customs seems to be a very slim proof that he is an officer of Customs.

The clause was agreed to.

On Section 26.

HON. MR. ABBOTT—This is an improvement on the law as it stood. Under the existing law the averment was proof, but under this Bill it is only *prima facie* proof.

HON. MR. OGILVIE—There has been more talk about the tyranny of the Customs House officers in Montreal last year than there was any foundation for. I can say from personal knowledge that most of the first-class merchants and honest merchants in Montreal, have approved of what was done and I know that notwithstanding all that has been said against the Customs officers in Montreal nobody has been able to prove by a tittle of evidence that they have done anything wrong and the honest merchants are anxious to have this clause as strict as possible, as they believe it will prevent a very great deal of smuggling.

The clause was agreed to.

HON. MR. MACFARLANE, from the Committee, reported that they had made some progress and asked leave to sit again on Friday.

The report was received and adopted.

The Senate adjourned at 10.45 p.m.

THE SENATE.

Ottawa, Wednesday, May 9th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (30) "An Act to authorize the town of Kincardine, in the county of Bruce, to impose and collect certain tolls in the harbour of the said town. (Mr. Read)

Bill (72) "An Act to incorporate the New York, St. Lawrence and Ottawa Railway Company." (Mr. MacCallum)

THE THOUSAND ISLANDS RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (84) "An Act respecting the Thousand Islands Railway Company," with certain amendments

He said: This is a Bill of a somewhat unusual character, inasmuch as it proposes to merge into one company, under the title of the Thousand Island Railway Company (a company incorporated by the Province of Ontario) another company which was incorporated by an act of this Dominion Parliament. The provisions of the Bill merging these two companies into one seemed rather to conflict with the legislation already had, and with the authority of this Parliament; and it was therefore thought proper to make an amendment in the third sub-

section of the first clause, in order to confine the transfer of the rights and franchises, which are to be in the general form, to certain sections of these acts, that is to say the three last lines were struck out and instead of saying by virtue of these acts generally, we make it read "by virtue of sections 33 and 35 of the first act and sections 18, 21 and 22, and schedules A and B of the second recited act," which was an amendment of the original act of the Ontario Legislature. The other amendment is made in the last clause but one in the act, clause twenty, to make this clause conformable to the amendments of sub-section three. In order to make it so conformable the sections of these acts are specially reserved in the third sub-section of the bill as being left under the control of this parliament. These amendments were adopted after the committee had heard the promoter of the bill from the House of Commons who consented to these amendments after conferring upon the subject with the leader of the House.

HON. MR. READ moved that the amendments be concurred in.

The motion was agreed to, and the Bill was read the third time and passed.

SECOND READING.

Bill (69) "An Act to confirm a mortgage given by the Central Railway Company to the Central Trust Conpany of New York to secure an issue of debentures." (Mr. Wark.)

SAWDUST IN THE OTTAWA RIVER.

FIRST REPORT OF THE COMMITTEE.

HON. MR. MILLER, from the Committee appointed to enquire into and report upon the extent and effect upon the Ottawa River of the deposit therein of sawdust and other refuse of the sawmills upon its bank, the expendiency or necessity for preventing such deposit, and the measures requisite for that purpose; with power to send for persons and papers, presented their first report.

He said—The report recommends the appointment of a shorthand writer to take the evidence, which is likely to be voluminous. I believe there will be no objection to this. It also recommends that, in consequence of representations made to the Committee that other materials are systematically emptied into the Ottawa River, that that subject be also referred to the Committee. It can be easily done by striking out the words "saw mills upon its banks." In view of the lateness of the Session and the probability of the sittings of the Committee lasting some time, I hope the House will allow the report to be adopted without delay.

HON. MR. ABBOTT—There is no objection, of course, to the employment of a shorthand writer: that must be done. It is a necessity, I fancy: but as respects the other portion of the report, I have a word of caution to suggest. The law as it stands permits the Governor-in-Council to prohibit the deposit of sawdust; in other words, the law prohibits the depositing of sawdust but allows the Governor-in-Council to relax its application, and there has been an order to relax it so far as it applies to the Ottawa river. The object of the Committee is to ascertain whether it is advisable to exercise that power this spring, and it will be necessary to complete the enquiry before the House rises in order to enable the Government to do so. The other subject is not so pressing, for this reason, that while it would be of great use, no doubt, in assisting in the decision whether legislation should be brought in next session, it would be too late to take any action for that purpose this year. I have no objection at all to make the alteration which my hon. friend suggests, provided the sawdust question in particular be taken up at once, if possible, and a report made on the sawdust question in order that that might be acted upon, and then the other matter could come up in a subsequent report. With that caution I have no objection to the amendment being made and the report being adopted.

HON. MR. DICKEY—If the Committee report on the whole subject, al-

though their recommendation may not be acted on this session it may be the foundation for legislation next year.

The motion was agreed to.

REPRESENTATION OF MANITOBA AND BRITISH COLUMBIA IN THE CABINET.

ENQUIRY.

HON. MR. McINNES rose to enquire

Whether is it intended, and if so, when, to have the Pacific and Prairie Sections of the Dominion each represented in the Queen's Privy Council of Canada?

He said—I may say that this is the fourth time that I have brought this matter before the notice of this House and the Government. The first time I brought it up I went fully into the subject to show that only one-sixteenth part of the area of the Dominion of Canada was represented in the Privy Council. I also showed that, according to population, and according to the revenue contributed to the Dominion, each of those sections was entitled to at least one member in the Executive Council. Our Dominion is divided into three natural divisions, first that portion from the Atlantic westward to the Lake of the Woods next the prairie section extending from the Lake of the Woods to the Rocky Mountains, and the third including the Pacific Province. I was met at that time by the then Minister of Justice, the present Lieutenant Governor of Ontario, with the objection that it was not advisable for this House to commit itself to any cast iron rule to bind the present and future governments, and by which each of those three divisions should be represented in the Cabinet. Of course I dissented from the views expressed by the then leader of the Government for the following reasons—not only for the reasons that I have already given, that we were more than entitled according to area—that we were entitled by population and by the revenue we contribute to the general fund of Canada, but that there were thirteen Cabinet Ministers. I asked as a right, not as a favor, that each of those two western sections should have one representative in the Cabinet. That would leave eleven portfolios still to be distributed among the older Provinces of the Dominion. He stated at that time also that it was not advisable to have the number of Cabinet Ministers increased. Since that time, instead of the number of Cabinet Ministers being decreased, they have been increased. We have to-day 15 members of the Privy Council, two of them without portfolio, and I claim now, as I did then, that it is in the public interest that those two important sections of the Dominion should have at least one representative each at the Council Board. I claim that the present occasion is a very opportune one for the Government to make an appointment from among the Senators or Members of the Commons, representing either one of those sections to which I refer. A portfolio is vacant by the sad and unfortunate death of the late Minister of the Interior, a vacancy in the Department that, of all others, belongs to the western sections of the Dominion, for nearly all the business transacted in the Department of the Interior is connected with the Province of Manitoba, the North West Territories and British Columbia. That is the present condition of affairs and in all probability will continue to be the condition for the next quarter or half a century, and as we have able men representing Manitoba, the North-West Territories and British Columbia, who are in accord with the ministry of the day, I think it is only right and proper that one of them ought to be selected for that important department. I will begin by first naming the hon. gentleman who has been devoting so much time and energy towards distributing important and valuable information respecting the Great Mackenzie Basin, the hon. gentleman from Selkirk; then we have the hon. gentleman from St. Boniface, the hon. member from Kildonan, besides two or three other able men in the House of Commons from the province of Manitoba—any of these gentlemen would certainly be a credit to the government, and with their intimate knowledge of our great North-West and West would discharge the duties of that department in a more enlightened and satisfactory manner than ever before.

If it is not in accordance with the feelings of the leader of the government that any of those gentlemen should become members of the government, then we have my hon. colleague from Victoria (Mr. Macdonald) in this Chamber, and two very able representatives of Victoria in the House of Commons, and one from the district of Vancouver, besides two or three others from the mainland. I hope the government will see their way clear towards giving the vacant portfolio either to Manitoba, the North-West Territories or British Columbia.

HON. MR. ABBOTT—As my hon. friend truly says, he has already brought this matter to the notice of the House on more than one occasion, and it appears to me that the admirable answer which was given to the motion that he made in 1886, by the then Minister of Justice,—the present Lieutent Governor of Ontario—should have been conclusive to my hon. friend, and should have convinced him that this kind of application, or inquiry, or motion was not one that could be dealt with in the mode which he proposes. My hon. friend treats the matter as if the Privy Council was simply a collection of officers appointed by the Crown, each with separate functions merely ministerial functions, which they may be supposed to be able to perform, forgetting that in point of fact it does not in the slightest degree possess that character. The Privy Council, or Cabinet, is a body composed of men not chosen by the Government, but men chosen by the people who have proved their competence for the position they occupy by their ability in public life, by their popularity and by the influence which they wield in the country and not by any particular mode of selection by any person, by the Crown or anybody else. The Prime Minister is responsible for his Cabinet—that he and his Cabinet will command a majority in both houses.

HON. MR. POWER—No, in the Lower House only?

HON. MR. ABBOTT—In theory in both houses, but practically in the Lower House; and if he is to be prevented from associating with him men whom he thinks will command that confidence and majority, how, possibly, can he be held responsible for it? The fact is, that the proposition which is involved in my hon. friend's question is one which strikes directly at the root of responsible Government. I do not propose to make a speech on this subject or to expatiate on this principle, because I think it must be obvious to anyone. It is perfectly true that in associating himself with members from the different portions of the Dominion, the Premier has always found it convenient and judicious to select men who have the confidence of their respective provinces, having due regard always to retain the confidence of the whole House, composed of representatives from all the Provinces, and there has been a kind of conventional understanding that, as far as possible, it should be done in certain proportions. But there can be no more binding rule laid down than that, unless the country be divided up into districts and it be a fixed and invariable rule that each of those districts be represented in the Cabinet. That, under responsible Government, would be an impossibility. It may happen that the Premier could so arrange as to have in his Cabinet men who command the requisite confidence, and who might form the desired proportion from every Province.

HON. MR. MCINNES—Each Province is represented by a certain number of Senators and Members of the Commons—

HON. MR. ABBOTT—But the two things are entirely different and my hon. friend does not seem to thoroughly realize the principle on which the Cabinet is formed. Of course each of us here represents a division and each of the members of the House of Commons represents an electoral division. That is the mode adopted to get a representation of the whole people. They do represent the people, and the persons who possess the confidence of those representatives are the men who compose the Cabinet.

HON. MR. POWER—Does the hon. gentleman think that if there were no representatives of the Province of Quebec in the Cabinet that would not be a reasonable ground for asking the question which my hon. friend from British Columbia has asked?

HON. MR. ABBOTT—If there were no representatives of the Province of Quebec in the Cabinet, the Ministry would not command a majority in the House and that would be an end of the Ministry. It would no doubt be a legitimate ground of complaint from Quebec that their Province was unrepresented in the Cabinet, but there is a considerable difference, I must say, between the Province of Quebec and the Province of which my hon. friend speaks, in point of numbers and importance.

HON MR. MCINNES (B.C.)—Why not give them a representative in the Cabinet without portfolio, so that he can be consulted in all matters pertaining to that province?

HON. MR. ABBOTT—My hon. friend professes that he is here for the purpose of giving advice to the Cabinet on those subjects. That is what he has been sent here for, and if he can get a majority of the members, the representatives of the people, to be of the same opinion as he is, he can turn the ministry out, if his province is not represented. After the number of explanations that stand on our official report on this subject, it is not necessary for me to go further into the matter, and I simply answer my hon. friend, as I was obliged to answer him last year, that the Government cannot inform him what advice they propose to give His Excellency as to the formation of the Cabinet, and really it is a question which a member of the Privy Council is not in a position to answer.

DOMINION SAVINGS BANKS IN BRITISH COLUMBIA.

INQUIRY.

HON. MR. MCINNES inquired :—

"Is it the intention of the Government to abolish any or all of the branches of the Dominion Savings Bank in British Columbia, and substitute branches of the Post Office Savings Bank?"

He said—I have been informed, upon what I consider very good authority, that it is the intention of the Government to abolish all the Dominion branches of the savings banks in the Pacific province. We have no Post Office savings banks, and the proposal is, as I understand it, to abolish Dominion savings banks, and to substitute for them Post Office savings banks. If such is the case, it will entail a considerable amount of inconvenience and in many instances, hardship, on a considerable portion of the people of the western province. As I understand it, the Post Office system is such that a pass book has to be returned to the Post Office Department at Ottawa before a cheque can be issued. It is different with the Dominion savings banks: all that is necessary to do is to present the pass book at the agent's office and you receive a cheque which is honored by any bank. Under the proposed change it may entail considerable loss and at least a delay of two weeks, and I hope that the present system, which is highly satisfactory, will not be disturbed. I have also been given to understand that a similar effort was made last year, after the removal of the agent of the Dominion Savings Bank at Sydney, Cape Breton, to transfer the funds of the Bank to the Post Office. I have also heard it stated that another effort was made to do the same thing in Newcastle, New Brunswick, but it came to the ears of the representatives of the Province in the other House and they protested against it, and it was immediately dropped. From my reading of the speech of Sir Charles Tupper yesterday in the other Chamber, I am inclined to think that it is the intention to do away with the Dominion Savings Bank as speedily as possible. I think it would be a great misfortune. I think the Dominion Savings Bank ought to be encouraged rather than withdrawn, and if the Government would pay a little more interest on the money of the people of Canada, so that that money should remain amongst ourselves, it would be better than to allow large amounts of interest to go out of the country every year. Instead of lowering the rate of interest, I think that it ought to be kept at least at what it is, or perhaps a little higher. I hope the hon.

Minister will give me the assurance that it is not the intention to interfere with the existing state of our Savings Banks in British Columbia.

HON. MR. ABBOTT—I regret very much that I cannot give the assurance that the hon. gentleman asks for. It has formed the subject of very careful consideration by the Government, and they have decided, and I think declared their policy, to substitute the Post Office Savings Bank system for the Dominion Savings Bank system where it is practicable, from time to time, without too much disturbing the existing arrangement and appointments. That is the policy they propose to carry out.

HON. MR. MACINNES (Burlington) —I am very glad to hear what has been stated by the leader of the Government in this House with reference to Dominion Savings Banks, that they are going to be incorporated with the Post Office Savings Banks. The Commission, of which I happened to be a member, examined into the system of keeping the accounts in both departments, and this is what we say in reference to it in our report :

"The Dominion Savings Banks : These are altogether independent of the Post Office Savings Banks and are all in the outlying Provinces with the exception of one at Toronto — namely at Nova Scotia, New Brunswick, Prince Edward Island and British Columbia. The system of conducting the business of the Dominion Savings Banks compares unfavorably with that of the Post Office Department and they are of the opinion that it is most desirable to incorporate the Dominion and Post Office Savings Banks together."

That was the recommendation which was made by the Civil Service Commission, of which I happened to be a member. Now, the effect of it will be, in my opinion, that the accounts will be more accurately kept, and it will save a multiplication of offices. We know that the Post Office Savings Bank is conducted by a most efficient and able officer at the present time, and he is the same officer who was at the head of it then, that is Mr. Cunningham Stewart ; therefore, I am very glad to learn from the leader of the government that it is the intention to incorporate the Dominion Savings Bank with the Post Office Savings Bank.

HON. MR. MCINNES (B. C.)— I would like to ask the leader of the House if in making this change, the government intend to arrange it so that the people of our western provinces will have the same conveniences under the Post Office Savings Bank system that they have now— that is when they go to the Post Office with their pass books, can they get cheques — that they can take to the bank and get cashed, or will they require that the book shall be transferred from British Columbia to the Department at Ottawa before the money is paid ?

HON. MR. ABBOTT—I am unable to discuss with my hon. friend the details of the arrangement, but I can assure him of this, that in making the transition from one system to the other, the Government will take care to give all possible convenience to those who deposit in the Post Office Savings Bank; and I have no doubt that, in the particular to which he refers, they will have the same facilities in the Post Office Savings Bank as they now have in the Dominion Savings Bank.

HON. MR. MCINNES (B. C.)—I wish to add that I consider this change to be an infringement on the rights of the Provinces. It was a right which the people had in Nova Scotia, New Brunswick, Prince Edward Island and British Columbia, before confederation, and stronger and better reasons ought to be given by the leader of the Government for the proposed change.

HON. MR. ABBOTT—Do I understand the hon. gentleman to state that there were Dominion Savings Banks in in all those Provinces before Confederation ?

HON. MR. MCINNES—Government Savings Banks, precisely the same—and not only that, but we got five per cent., on all moneys deposited in that bank.

HON. MR. MACDONALD (B. C.)— Yes, we had it in British Columbia, and the system was practically the same.

INDIAN AFFAIRS IN BRITISH COLUMBIA.

MOTION.

HON. MR. MACDONALD (B. C.) moved

That a humble Address be presented to His Excellency the Governor General; praying that is Excellency will be pleased to cause to be laid before this House, copies of all correspondence between the Superintendent of Indian Affairs in British Columbia and the Government on the subject of establishing Industrial Schools for Indians in British Columbia.

He said: In bringing this question to the notice of hon. gentlemen, I am fully aware of the difficulty to be encountered in presenting even the outlines of any scheme or theory for the more satisfactory and economical management of Indians. Nearly everyone who thinks at all on this subject has his own theory.

When a similar question was before the House a few days ago, the hon. Minister was good enough to invite the aid of any hon. gentleman in preparing a plan or in suggesting a remedy for existing defects. In my opinion, no member not properly charged with the duty, either as one of a commission or in some other capacity, would undertake a task of that nature, especially with the chance of his labors and his suggestions not being accepted. Nevertheless, I consider it my duty, and I am here for the purpose, of pointing out the state of affairs as they are, and to suggest such changes as, in my humble opinion, would be beneficial.

I attach no blame to the administration for the present system, it has crept on year by year. I rather take some of the blame on my own shoulders for the agency system now prevailing in British Columbia. In looking up some data in connection with this matter, I was much gratified to find in the reports of the North-West agencies, that Lieutenant-Governor Dewdney, who is at the head of those agencies, holds the same opinions, with myself, on the management and treatment of Indians. He is fully alive to the necessity of making them self-supporting, which can only be done by breaking up the demoralizing influence of the band and tribal community of interests. With that end in view, reservations are being sub-divided and land allotted in severalty, and individual industry is being encouraged and stimulated. The Lieutenant Governor in his report says, that many Indians have large areas of land under cultivation and own horses and cattle, and that some of them raised enough food to maintain themselves for a part of the year. I make this digression from the subject more immediately before us, on account of the pleasure I have in bringing into prominence the fact that there are three industrial schools in operation in the North West, and seven or eight day schools, in which girls and boys are instructed, many of whom we may expect to inter-marry and live in an improved condition. I will be able to show, before I sit down, that the day schools are of little or no use, especially when distant from the camp. Children go back to their tribe without being trained in industrial pursuits and without the strength to resist the force of their former habits and the habits of their friends and after a short time they fall back to the level of the uneducated Indians. I hope to show, from the experience of others, that the Industrial School in the camp—not away from it—is the only and proper means of educating and elevating the Indians, the only way to make them self-reliant and industrious, and the only way to break up the baneful tribal system. Now that Canada has made a commencement in this path of progress, it is to be hoped that every encouragement will be given the Indians to proceed in that utilitarian direction. To come back to British Columbia, I may mention that Indian affairs are under a Superintendent, who receives $3,000 a year and travelling expenses—and an assistant, who does all the office and routine work, at a salary of $800. There are six sub-agencies, the agents receiving each $1200 salary and traveling expenses. I have prepared a statement showing the cost of management for five years from 1882 to 1886, as follows :—

	Quarantine.	Salaries.	Medicine.	Travelling.	Office Expenses.	Sick and Destitute.	Farm Tools and Seed.	Schools.	Incidentals.	Bridge.
1882	.....	$11,937 00	$2,077 00	$4,121 00	$1,113 00	$817 00	$1,237 00	$826 00	$472 00	$240 00
1883	$1,668 00	12,887 00	2,999 00	3,022 00	1,652 00	1,126 00	1,411 00	1,831 00	494 00	
									653 00	House.
									610 00	Gov.-Generl.
1884	.....	15,059 00	1,914 00	3,486 00	1,736 00	1,431 00	214 00	1,314 00	2,106 00	
1885	.....	16,696 00	2,835 00	3,810 00	1,554 00	1,242 00	1,013 00	2,798 00	746 00	
1886	Census, 198 00	16,846 00	2,404 00	3,601 00	778 00	821 00	1,552 00	2,785 00	3,051 00	
		73,325 00	12,229 00	18,040 00	6,823 00	5,437 00	5,427 00	9,554 00	8,132 00	

I regret to have to say that I consider that money very badly applied, that a very small share of it goes to the Indians, and there is no adequate return, and here I desire to impress on the Government the advisability of taking steps without delay to apply that to instruction in industrial pursuits. Every one of those agents should be an instructor of some kind, either in farming, fishing, carpenter work, blacksmithing, boat building, net making,spinning and weaving, or in some calling, and the wives of the agents, where there are wives, might have industrial schools for girls, where cooking and house keeping, sewing, making and mending might be taught. In this way the Indians would become qualified to earn their own living in civilized communities, and avert the danger of becoming a burden on the state.

We have a large latent force in our Indian population, which under systematic training, might be made most useful and remunerative. Some of our Indians are now employed in fishing and canning salmon, andin deep sea and seal fishing, as deck hands on river steamers, and in various other occupations; but they lack the elements of perseverance and frequently leave off work from idleness and remain idle until they have spent their earnings and again feel the pinch of hunger. Farming is carried on in some parts of the country with various degrees of success, but continual complaints come from the local superintendent to the Dominion Government of the insufficiency of the reserves, and the scarcity of water for irrigation in parts of the province. Complaints are made that the provincial authorities sacrifice the Indians' interests to the advantage of the white voter—because he is a voter.

At present, the food supply is abundant, so abundant that great waste and recklessness prevail. Thousands of salmon are caught, the belly pieces only being cut off to salt, and the balance of the fish thrown away. Hundreds of deer are slaughtered for the sake of the skins, and the carcases left to rot in the woods. As the country fills up, and the land becomes occupied, as the borders of our rivers and creeks and bays become peopled, the supply of natural food will

become more scarce year by year, and unless the Indians are trained to practise economy, and to earn their living like the white man, they will, ere long, suffer from scarcity of food.

Our Indians are fully capable of receiving instruction in mechanical and other industrial pursuits. I have myself seen many of them pretty good carpenters, boatbuilders, blacksmiths, farmers, fishermen, net makers, &c. I am not theorizing on this subject: I speak from actual experience. I have seen the great civilizing and industrial work carried on at the Mission of Metlakathla. But that trained band has left this country through a most unfortunate misunderstanding with the government and through the misrepresentations of the local superintendant.

I have before me extracts from the report of a commissioner appointed by the House of Representatives of the United States in 1885, to inquire into the position of Indian reservations and Indian schools, and other matters. The government of that country has not had the best reputation for its management of Indians, but of late years there has been a marked improvement, and a deeper interest is taken in those much despised people.

After visiting a number of agencies from Dakota to the Pacific, and hearing the testimony of Indian agents, school teachers and clergymen of different denominations, the Commissioners came to the following conclusions:

1. That in the short time at their disposal they could not make a close inspection of the expenditure and the accounts of the different agencies, but they were impressed with the belief that there is no branch of the public service where the opportunities are so great for peculation and embezzlement as the Indian service, none where detection is so difficult, none where the discretion of the public officer is so great.

2. The Government of late years has expended large sums in the effort to educate the Indian children—and find school building with all modern improvements have been put up.

The system inaugurated embraces

1. Day schools

2. Industrial schools on reservation entirely under Government.

3. Industrial schools remote from the reservation entirely controlled by the government.

4. Denominational Mission Schools on the reservations aided by, and mainly kept by the Government.

5. Denominational and other Industrial Schools off the reservations in the main supported by the Government.

6. Institutions off the reservations, in which Indian children are admitted, the Government paying a given sum for each child.

7. To these should be added schools established by Christian denominations in connection with Missions on Indian reservations receiving no aid.

They condemn day schools off the reservations as the educated Indians go back to their people not trained to any occupation; they have not the strength to resist the old habit of the camp; they are open to the taunts and ridicule of their friends and very soon they fall back into their former Indian habits.

The day school on the reservation, although condemned, is more useful, as the parents see the gradual improvement of their children and when the children leave school they mix more naturally with their friends, and the shock to their feelings is less—and less hurtful to them

The Industrial School off the reservation is more useful than the day schools, but is not desirable.

The industrial schools on the reservations are highly recommended as the most useful and beneficial of all, from the elevating influence exerted on the old people, as well as on the children. They witness this industrial work going on in their midst, and they take an interest in the progress of their children, and take an example from their industry, whereas in schools off the reserve, this stimulating and beneficial example is lost, the old Indians not being able to see the daily progress, and the children return strangers, with strange habits to their old homes, leading to discontent.

I think hon. gentlemen will see that I have given some reasons, from the experience of others, to show that establishing industrial schools in camp is the true and only way of improving our Indians. Education to the Indian, with very

few exceptions, is of no use: With education he must be taught to earn his living. With education and industry going hand in hand there is every reason to look forward with confidence to the Indians becoming good and useful citizens.

The report of the United States Commission, from which I have given extracts, is founded on practical common sense and I hope has interested those who desire the elevation of our Indians.

I do not know what the opinion of the Hon. Minister is on this most important subject, but the report referred to, and the conclusions arrived at are well worth the perusal of those charged with the management of Indian affairs in the Dominion of Canada.

Before taking my seat, I have to express my deep regret at the sudden loss of the much esteemed head of the Department, which takes cognizance of such matters as this. I feel sure that if the life of the Hon. Mr. White had been spared, he would have brought about reform in the management of Indian affairs. He had already by personal visitation, shown his anxiety to become acquainted with the wants and requirements of the Indians, and to make himself thoroughly acquainted,he visited British Columbia and the North West twice, and in every way—from a public and private standpoint, his death is to be deplored. I trust that his mantle may fall on an equally capable and painstaking man.

HON. MR. GIRARD—I must thank the hon. member from British Columbia who has brought this question before the House. It is one of very great importance. We all look for some scheme to improve the condition of the Indians. And I am of opinion, as I have already stated in this House, that the time has arrived when something must be done in some way or other, for the emancipation of these poor people. I do not hesitate to say that these Industrial Schools which have been established in different parts of the North West Territory have been of great benefit to the Indians. We can easily learn this by looking at the reports which have been published. As the hon. member from British Columbia has said, the only way to improve these people is by training them in these industrial schools. If they are thus trained the result will be of great benefit to the whole Dominion. Before long they will drop their native languages and speak English only, and when that time comes most of the difficulties which exist between the Indian tribes will disappear. There are now in the North West Territories three Industrial Schools. One of them, at Qu'Appelle, is certainly a decided success. To give an illustration of the benefits of the education imparted to these Indians, I might instance the case of a boy who has just left that institution. The inspector refers to him as follows:—

"Since the school was opened, only one of our boys has been allowed to leave, a son of Chief O'Soup. I am pleased to quote the following passage from a letter of Mr. Inspector McGibbon: 'I have just been visiting the reserves, and called on Mr. O'Soup. His son was working well, and the instructions received at your school have been of great use to him. Mr. O'Soup has about fifty acres under crop, all looking well; cattle also; and in excellent condition, and he has a nice house, and altogether has a splendid place.'"

That is an exceptional case. It is the first instance of a young man leaving school and starting for himself, and here we can see the beneficial effect of his training. There is as much intelligence among the Indians as among the white people. I was told the other day by Bishop Clut that the Indians readily acquire the syllabic language which is taught them. He told me that one of the scholars under his care learned that language in fifteen days. If any of our young children could do the same work in two weeks,it would occasion some surprise. At the Industrial School, Qu'Appelle, there are now ninety-four pupils. In the beginning it was not easy to keep them. The parents themselves, not having received any education, did not care to send their children and took them away from time to time, but the value of education is now better understood. The good care that the pupils receive at the school begins to be appreciated, and before long the graduates of those schools will become teachers themselves among their friends. They will be prepared not only to give them lessons in the

cultivation of the soil but also to teach them what they have learned in the school besides. At these institutions there are carpenter shops and blacksmith shops, and other shops will be added soon. In these different shops a certain number of boys are regularly employed, taking their education at the same time. A part of the day is given to learning the different trades. I think it is the greatest service which can be rendered to these young children. Let us civilize the Indians and we will have intelligent, loyal and devoted citizens of Canada. You will find among these Indians some who are cultivating their lands at the present day with a great deal of intelligence and I may add that prizes have been taken by them, even at the last show at Regina, where they competed with their white fellow citzens. They were awarded the prizes because they were entitled to them. The one at Qu'Appelle is well known as a Catholic institution. The professors are priests and I think they are favored with the attention of the sisters, because the institution is open to young boys and girls. The services rendered there to these young people are certainly of very great value. We know that those poor Indians are not models of cleanliness, but they will learn, from those under whose care they are, lessons of cleanliness, morality and good habits of housekeeping, which will render them, not only among themselves but everywhere else, useful servants, very much appreciated for their devotion and their industry. We accuse the Indians of being lazy. They are only lazy because they have nothing to do: they have never been taught to do better, but as soon as it is possible to cultivate in them a spirit of economy and prudence, you will see them able to appear before society and the world in as favorable a light as other people. There is another institution at Battleford, under the management of Protestants, which is very successful. There are ninety-four pupils in the institution at Qu'Appelle, and only forty-four at Battleford. They are under good care, are well taught and have a chance of learning some trade, either in the carpenter or blacksmith shop, as at the institution at Qu'Appelle. I think these industrial schools will regenerate the Indian population, and the Government ought not to hesitate in expending money to carry out the system. It is in the interest of the public. Sometimes large sums are risked in enterprises which are of no public benefit, but in this case it is not only an act of humanity, but directly in the interest of the Dominion. We cannot much longer keep these Indians at the public expense. There must be an end to all that. For the present generation, at least, and perhaps for another generation, it will be necessary to take care of them. We have kept them like children and will have to continue to treat them so, but under the system of training at these industrial schools they will soon learn to take care of themselves, and the result will prove beneficial to the whole Dominion.

HON. MR. SCHULTZ—I must always commend in this House the attempt of any hon. gentlemen to throw light on this Indian question. Certainly, in any attempts which have heretofore been made in that direction, the Government have always received suggestions from myself, or from others who have taken part in debates of this kind, with a willingness to be informed on the subject which convinces me that they are anxious to get all the information they can. Therefore I am glad to see my hon. friend from British Columbia and my hon. friend from St Boniface, bringing this subject under the attention of the Government and I concur with them in many of the remarks that they have made. At the same time, it is but fair to the Government to say that they are taking steps in precisely the direction indicated by the two hon. gentlemen who have spoken. I had not noticed it before, because we do not deal with these matters in this House, but in looking at a copy of the estimates, I find that the Indian fund for the whole of Canada, which was under one million of dollars before this year, is now over one million, and I may say that we receive in the North-West Territories the lion's share of that amount. Last year we received $861,000; the government now propose to spend, if they carry that vote in

the House of Commons, $876,000 in the North-West, or an increase of $15,000. Now this increase—and I would call the hon. gentleman's attention to it—is precisely in the direction they have indicated. For instance, in the matter of industrial schools, the amount appropriated is $13,000 of an increase. There is, besides, for Indian clothing for boys $3,755 and $2,300, making an aggregate for industrial school purposes, directly and indirectly, an increase of about $17,000. There is, besides, a special fund which was not in the estimates of last year or the year before—that is $3,000 for improvements on the Qu'-Appelle Industrial School, the very one that my hon. friend from St. Boniface states and states with great justice, is doing valuable work in that country. But in addition to this, the Government seem to have gone even further and beyond the range where they are called upon to deal with the Indians —beyond the range of the treaty Indians they are proposing to give $2,000 to a community of Indians on the Peace River if the missionaries shall raise $2,000 more. I think it is but fair to give the Government credit for the offer, at least, to deal fairly and squarely with this question and their efforts seem to point in the direction indicated by my two hon. friends.

HON. MR. MACDONALD (B. C.) —My hon. friend did not hear my remarks: I gave the Government full credit for what they had done in that direction. I did not wish to detract from them in any way.

HON. MR. SCHULTZ—I agree with my hon. friends as to the importance of this subject, and agree with them, too, that it is a misfortune that the tribal system has prevailed so long among the Indians and so often defeats the Government and the missionaries in carrying out their good work, for it is quite true that these young men frequently go back to their Indian relatives and in a few years, in the chase and the idleness of the camp, forget all they have learned. How are you to get over this? How are you to divide father from son and mother from daughter? It is only through these industrial schools that you can reach this important question. I notice that an amendment to the Indian Act is proposed which will lead up to the direction indicated by the hon. gentlemen who have addressed the House to-day.

HON. MR. ABBOTT—I must say that I appreciate highly the moderaet tone in which my hon. friends have discussed this matter, and the useful information they have given us as to this system of industrial schools. No doubt they observed that the policy of the Government is precisely in accord with their views on that subject. The Government have adopted the system of industrial schools, and if found as successful as they seem to have been up to this time, there is no doubt whatever that the use of them will be largely increased. There is no objection, of course, whatever to my hon. friend's motion asking for correspondence on this subject, and I may say that he will find there are two industrial schools on the mainland about being established in British Columbia, and one on Vancouver Island. There has been some delay, unfortunately, in the commencemeut of them, but the intention is to proceed with them and put them in operation immediately.

The motion was agreed to.

THE TUDOR DIVORCE CASE.

DEBATE CONTINUED.

The Order of the Day having been called:

Resuming Debate on motion Honorable Mr. Ogilvie for adoption of Report of Select Committee to whom was referred Bill (F) for relief of Eleonora Elizabeth Tudor.—(Honorable Mr. Ogilvie).

HON. MR. ALEXANDER said—I rise with considerable diffidence to resume the debate on this motion, because from having so many other matters of importance to attend to, I have not been able to arrange my thoughts. Therefore my remarks shall be very brief. I think that the House must have been somewhat amused to observe the conflict of opinion between two very distinguished legal lumi-

naries, one of whom is not in his place. I refer to the hon member from Amherst, and the distinguished Senator from Barrie. We might well say that when two eminent lawyers, one an old judge of the Courts and another a gentleman who pretends to be one of the highest legal authorities, differ, we may well hesitate to pronounce an opinion? I take this opportunity of expressing my regret that I interrupted the speech of the hon. member from Barrie, but I did so because I was exceedingly annoyed, session after session, since that member entered this Chamber, at his interrupting me. I thought it exceedingly unkind on his part, and on the part of others I could name, frequently des troying the effect of speeches I had prepared carefully in the interests of the country. I congratulate the hon. gentleman on the able statement which he presented to this House, citing authorities of the House of Lords, and I congratulate him on having arrived at a conclusion which appears to me to be the most just. I may mention that I conferred to-day with one whom I consider the highest legal authority, and he said he had no hesitation in saying that the arguments of the hon. gentleman from Barrie were the most sound and his conclusion the most logical. We have all had experience of the Courts of Justice and Chancery and is not the great object of all the Courts to render justice to those who have been wronged? What are the courts established for but to do right—to decide when a man comes into court with a wrong that that wrong shall be righted? When logical reasoning and conclusions upon certain evidence are used to defeat the ends of justice, such wrangling is to be disapproved. It is used in the wrong direction. I need not refer to the arguments of the hon. member for Amherst at all, because as the House must have felt, they were the reasonings of a gentleman brought up in a place like Amherst. We do not want lawyers here, but men to adjudicate upon grave questions as Christian statesmen. We come here, like the hon. gentleman from Midland, (Mr. Macdonald), to enunciate the ideas of a Christian and enlightened mind. We have before us some melancholy experiences of life. How often have we seen young women, educated and trained by good Christian parents, of the most exemplary and most estimable character, unfortunately throw themselves into the hands of men who may be of their own station of life, but are not worthy of such wives. The respondent in this case, as was brought out in the evidence before the Committee, and referred to yesterday by the hon. member from Midland, was in the habit of leaving his home nightly and not returning until late hours and she naturally asks, to go where?

HON. MR. POWER—To the club.

HON. MR. ALEXANDER—I do not believe in men marrying well-trained, religious, good women, and leaving their home nightly to go to a club, or to worse places to which I will not refer. The hon. gentleman from Midland expressed most proper and correct views upon that subject. We know very well that those whose habits of life are not what they should be, take the precaution to cover over their improper deeds. They take very good care, while they are indulging in what is wrong, that it should not be known to the public. This respondent appears to have acted, during his married life, in such a manner as to make this American lady adopt the course which she did. What other course had that young Christian wife to pursue, but to leave him forever for her own peace? How could he be a proper father to her children? When she gets up in the morning, daily, it is to mourn the melancholy step she took in marrying him. Can anyone blame her for leaving him under such circumstances? Her regard for her children required her to leave him. What is society coming to in this colony? We know cases where men have, by their conduct, alienated the affections of their wives. We know such a case where the wife left her husband in her anguish of mind, and in her sorrow, and rumour says her mind became deranged from her sorrows. And yet ladies professing to be proper and religious, associate with that man, who has blighted the affections of a good Christian wife, and driven her away in anguish, talking of a platonic affection for a man who has blighted the life of such a good wife. Good

God, what a state of society! ! ! ! ! There is such a case in Toronto, and how sunk must be that circle of Toronto society who countenance such heartless levity! It is time that public sentiment should be aroused, it is time that the poor and the good of the land and the press of the country should rise and cleanse the upper strata of Toronto society of small that aristocratic clique, who are distinguished for their concert and pretension and such heartless depravity. While the churches are trying to inculcate pure and virtuous principles—those principles which make home a blessing—we behold that clique, referred to, showing such an evil example. We may well hold on to the principles of our religion. Our courts are not always a protection. We trust that all the churches will unite to put right that which is wrong—to frown down such a depraved state of society. Our religion is our chief protection. Then let us cherish and uphold our churches and our ministers, no matter what our differences of opinion may be. We know that there are differences of opinion in the Christian churches. Let us look to the Cross of Christ as the symbol of Christ's agony around which all Christians should draw. Let us honor the cross because it reminds us of the sacrifice of our Saviour for mankind. The well being of society depends upon bearing with each other in our different views of church discipline. We have one common interest. The members of the Church of Rome have a deep interest in sustaining the Protestant churches; and the members of the Protestant churches have a deep interest in sustaining the Church of Rome. When a member of the Church of Rome does wrong, he must confess it. He is required to make restitution and repair the wrong; otherwise he will be excommunicated. Does the Anglican Church at times appear indifferent about some of its prominent church members doing wrong? We should like the bishops of that church to answer that question. (The hon. gentleman here concluded his remarks in French.)

HON. MR. POWER—I have been appealed to as a member of the Church of Rome, in common with the other members of that Church who are here, by the hon. gentleman from Woodstock, to vote for this Bill. I may mention incidentally that I am somewhat surprised at the information he gave us that his ancestors some three generations back had belonged to the Church of Rome. I can only express my strong sense of the great loss which that Church has experienced, arising from the fact that the hon. gentleman has not followed in the footsteps of his ancestors. Fortunately for this House, as a general rule it is not necessary to consider in this Chamber the evidence submitted by the Committees which have no deal with cases of divorce. As a rule Committees are unanimous or nearly so in the decisions at which they arrive; consequently it is not the duty of the other members of the House to consider the evidence at all. In this case we were informed at the very opening of the debate on this Bill, that there was a very wide difference of opinion amongst members of the Committee; and, under the circumstances, it became the duty of the other members of the House who were not members of the Committee to read the evidence for themselves so as to be able to judge to the best of their ability as to the merits of the case. I read the evidence yesterday with a good deal of care, and I shall mention the conclusion which I have come to on the matter. The first fact which must strike everyone who reads this evidence, is that the marriage was an uufortunate marriage from the beginning. The secret of the unhappiness, which seems to have begun almost from the union of the parties, was that it was not a marriage of affection. From the early history of the case it would seem that the husband was induced to marry Miss Tudor more on account of the fact that she was worth $200,000, than from any affection he had for her; and I think all the unhappy consequences which followed from the union are to be credited to that fact. It appears that after their marriage they went to live in the house of the husband's father. It does not appear that the husband in any way ill treated his wife—that he was unkind to her, or that he was guilty of any

actual misconduct. It does appear that from a very early period of their married life the husband neglected his wife ; that instead of spending his evenings at home, he spent them at the club, and I am not very much suprised at that. He had not married his wife because he loved her, but probably because he thought it was a suitable marriage in a pecuniary way ; and hon. gentlemen will notice from the evidence of other parties I think, besides that of the husband's brother (I think it is from the evidence of the physician) that the wife was a lady of a somewhat difficult temper, and not the most agreeable person in the world to live with. At least she was not suited to Mr. Hart, and he was clearly not suited to her. Consequently Mr. Hart, finding that his home was not made as pleasant for him as he thought it might be, did not quarrel with her or use bad language to her, but simply stayed away. Instead of spending his evenings at home with his wife, he spent them at the club. I began to read the evidence with a strong conviction that Mr. Hart was, as an hon. member put it, a low blackguard. I cannot say that I have been altogether induced to change that opinion on reading the evidence ; but my conviction on that point is not as strong as it was before I began to read the evidence. It does not appear that Mr. Hart was guilty of any actual violation of his marriage vows until after his wife left him. It is true that the hon. gentieman from Midland stated that that appeared in the evidence. It has been already pointed out however, by the hon. gentleman from Amherst, that that was not the case. The witness Frank Brady mentioned the fact that he had met a person, whom he identified as the respondent in this case, in the house of a woman named Spencer in Montreal. He was coming out with some other persons. It happened that a woman who was an inmate of that house was subsequently examined as a witness. She was in the house at the time that Mr. Hart was there ; and she was examined with respect to Mr. Hart's presence there, and declared distinctly that he was not on that occasion, as far as she knew, guilty of any offence; that he simply came in in the evening with some other gentlemen, stopped for a time, and went out again. So that there is no evidence that up to the time Mrs. Hart left her husband, he had ever been unfaithful to her. Some hon. gentlemen seem to think that this is a highly improbable view of the case. I do not think it is ; because it is a rather unfortunate circumstance in this case that the wife employed a private detective to ransack her husband's previous history ; and evidently that detective, doing his work thoroughly, went back a good way into his history, and discovered just this one fact, that on this one occasion the respondent had been seen in a house of ill-fame. If Hart had at that date been in the habit of resorting to houses of this kind, that fact would have been discovered by the detective, and I think it is only fair to the respondent, who has rights in this case as well as the petitioner, to assume that up to the time his wife left him he had not been guilty of any act of adultery. There is nothing in the evidence at any rate to lead us to believe that he had. While the feelings of the wife are to be considered, I think that the reputation and the feelings of the man and his family are also to be considered, and that we should, in the interests of the children, who are his as well as hers, do nothing to blacken his character more than the evidence blackens it. The evidence makes it bad enough, but I do not think we should do anything to make him worse than the evidence does.

HON. MR. OGILVIE—It is impossible.

HON. MR. POWER—The hon. gentleman has his opinion on that point, and other people are entitled to theirs. There was one circumstance upon which a great deal of stress was laid by the hon. gentleman from Midland, and I think it was also made the subject of interruptions by my hon. colleague from Halifax, and that was the exhibiting of the photograph. I think it only fair to this man to point out what the actual circumstances were in connection with that photograph. The person under examination was, I think, the woman who kept one of those houses in

Montreal; and her evidence was that sitting in the parlor of the house, he was talking about one thing and another, and had some pictures in his pocket, and he appears to have taken the pictures out of his pocket, and amongst others there was the picture of his daughter.

HON. MR. ALMON—Hear, hear!

HON. MR. POWER — It is very unfortunate that that picture should have been seen; but the circumstances were as I have stated.

HON. MR. MACDONALD (Midland) —It was in a brothel, was it not?

HON. MR. POWER—I will admit that; but bad and unfortunate as the circumstance was it was not as bad as the hon. gentleman behind me represented it. That is all.

HON. MR. ALMON—What could be worse?

HON. MR. POWER—I think the facts of the case as we have them before us, and that is what we are to go by, are as I have stated. These people did not get along harmoniously, and after some time the wife, without what is in the eye of the law, justification, deserted her husband; that he asked her to come back again and she declined to go back. It does not appear from the evidence that immediately after her leaving him he was guilty of any gross misconduct; but it appears that after the lapse of a year or so this man did do certain acts which, if his wife had been living with him, would have formed good ground for an application for a divorce on her part. The question for us is whether, if a woman deserts her husband and persists in that desertion, and he finally commits adultery, she has not contributed to that adultery so as afterwards to be debarred from a divorce on that ground. I think she has. I think she was *particeps criminis*, and is to all intents and purposes almost as responsible for the acts of her husband as he is. She does not come into court with such a record as to justify us in granting her the relief which she asks. I do not propose to discuss the question at any length; but I wish to say a few words about the decision of the Court in Montreal, which has been made the subject of animadversion by one or two hon. members of this House. The law of Quebec has been animadaverted upon as though it were a law which is not suited to English speaking people. I do not think it is deserved; because the law of Quebec as to separation from bed and board is substantially the same as the English law of to-day on the subject of divorce. In England the wife cannot get a divorce from her husband on the ground of adultery, unless it is accompanied by aggravating circumstances; and these circumstances do not exist in this case, so that the Court in Quebec was justified in the decision they came to under the law of that Province, and the decision would not be an objectionable, one even if the application had been made in an English court for a judicial separation. I think that in these cases we should try and get out of our minds all feelings of sentiment and sympathy and deal with them according to the law and to the rights of the parties.

HON. MR. MACFARLANE—Having sat on that committee, and having paid a great deal of attention both to the examination of the witnesses and the conducting of the case, I must confess that I am compelled, having considered it in all its phases and aspects, to refuse my assent to the bill of divorce. I feel that we are dealing with a solemn matter, and that in this House we are not to be carried away by sympathy; that we are to view as stern facts the matters that come before us for adjudication, and that while our feelings may be that people are wedded and living an unhappy life and would be much better if they were separated, still we must be careful that we do not introduce into this country any system by which divorces are to be made so easy that we may fall into something like the lax system which prevails in the neighboring Republic. Hon. gentlemen will see that in this case these two people were paired and not matched. It is very evident that they went together comparatively young people — hardly out of their teens. They had no

understanding of each other, and no feelings in common. They lived together some few months with comparative comfort and affection, but their habits and tastes were totally dissimilar. The lady herself was no doubt brought up by a highly respectable and wealthy family, and well educated; and so was this young gentleman. He was a member of a respectable family in Montreal. At the time of his marriage I have been informed that the event created some little sensation in social circles, and it was attended in Boston by some of the most respectable people from the city of Montreal. When those young people went together they were totally without experience and, in fact, they were not fitted for each other. In our decision in this case we should be bound to some extent by precedent, and we should see that the decision which Parliament arrives at is such as can be justified in cases that may arise hereafter. We should be guided to a certain extent by the decisions we have given before in other cases. The hon. gentleman from Barrie has, no doubt, given this matter a thorough investigation from his point of view, and has satisfied himself as a professional man on one point. From another point the hon. gentleman from Amherst and myself and other professional men arrived at a different opinion—that the evidence did not sustain the position that my hon. friend has taken. I may say that I have taken some little pains to acquaint myself with the matter, and I believe that Parliament should not, except in very extreme cases, override the decisions of a competent tribunal. This case came before the courts in Montreal on a suit for separation from bed and board. The hon. gentleman from Midland, who is very eloquent in his defence of the Bill, said that the lady was not examined before the Court in Montreal, and could not be examined in her own case, under the rules of the Court. There is no doubt that parties to a suit, in the Province of Quebec, are not entitled under the laws of that Province to give evidence in their own behalf; but with the consent of both parties the evidence may be produced, and I felt satisfied when this lady came before the Committee, and she admitted that she had been examined in the court below. On her re-examination by counsel, Mr. Atwater, who conducted the case for the respondent in the court of Quebec, put the question: "Did you say to him after that his life was no affair of yours? A. I said something when you asked me about it. I might have said something of that sort in the separation, because you asked me in some such way as though I had been behaving as an undutiful wife, and you twisted my words to suit your own purposes."

I take it on that evidence that the lady was examined in the court below by the consent of the respondent himself as well as on the advice of her own counsel.

HON. MR. GOWAN—Whether she was examined or not, I cannot recollect it from the testimony, but there is a distinct provision in the code that the evidence of either petitioner or respondent, is not evidence on his or her behalf.

HON. MR. MACFARLANE—I quite agree in that, but that she was examined and did give her testimony is evident from the proof we have in the record before us. The matter was investigated by an eminent judge, whose desire was, no doubt, as the desire of hon. gentlemen would be, to separate these people if he conceived that the evidence brought before him would warrant him in doing so, but after giving it a most careful consideration, he was not able to arrive at that conclusion and dismissed the case. Although we are not bound by the ruling of the court, as we are superior to the court and make the laws here for ourselves, we should he guided by the public interest and by our desire to do what is right, and we are not to establish a dangerous precedent for other cases. I believe, that, as a rule, in England, divorce has not been granted by Parliament on the ground only of adultery committed subsequent to separation. There must be sufficient cause for voluntarily leaving the husband—sufficient cause for so doing being in such cases held to be such as would entitle the party to a judicial separation—that is to say for cruelty, desertion and adultery. These are the only three grounds taken as suf-

ficient to grant a divorce. The principle involved in this statement is that if one party leaves the other, except for good reason, the party so leaving is held to be contributing to the likelihood of the other person being guilty. Now, the question arises from the facts that have transpired, and which appear from the petitioners own evidence—which is the principal evidence if not the only evidence we have—was that of such a nature as to warrant her in separating from her husband? It is not pretended that there was any desertion on his part, except staying out at night at the club and sometimes not coming home until morning. I dare say he was not as attentive to his domestic affairs as he should have been; but there was nothing in the eye of the law that can be considered cruelty in his treatment of his wife. She admitted herself that there was no ill usage—that he treated her at times in the most kindly manner. In one instance only, where there was a dispute, did he talk violently. More than that, after she had arrived at the conclusion that she could no longer live with him; she left his brother's house. What took place then? Again and again he visited her at Mrs. May's. She came with her children afterwards to the brother's house and took her Christmas dinner with him. He had a child that was ill at the hospital; the husband took the wife to the hospital and brought her back again, and this after she had repeatedly said that she had separated from him finally and could never return to him. Up to that time no act has been proved against him that would warrant the wife in leaving him. I cannot conceive that any person would believe that the single fact of this man having been seen coming out of a house of ill repute with others, furnishes evidence that he was there for improper purposes. It was unfortunate that the man should have gone there. We have the positive proof of a witness, who was in the house at the time, that he only entered with the others, remained a short time and went out; and that is the only instance that we have at all of anything approaching impropriety of the kind. In the other instance, where the petitioner herself says that while they were out in Georgia he went away from her, she does not know if he was guilty of impropriety. When the question was put to her—"before separating from your husband had you any positive proof of infidelity on his part?" she fairly admitted she had none. She left the husband on suspicion and no other ground.

HON. MR. GOWAN—Why did he not go into the box and deny it?

HON. MR. MACFARLANE — It would have been a great deal better if he had gone into the box and denied it.

HON. MR. MCINNES (B. C.)—She never charged him with infidelity.

HON. MR. MACFARLANE — It would have been better, I admit, if he had gone into the box. I have felt compelled to conclude that up to the time of this woman separating from him, she had no legal ground for separation. She had proved no acts of cruelty; she had simply shown that the man had been out late at night card playing, and had doubtless been squandering her money. It was a hard case, but we see instances of that kind every day where men lead this dissapated life. It does not appear from the evidence that drunkenness was one of his vices, while he was guilty of staying out at night. No proof was adduced that he was given to drunkenness. If there was nothing up to the time of the wife's desertion of her husband that would warrant her application for divorce, then her leaving him as she did was a mistake on her part. The proper course for her was to have endeavored by her own conduct to reclaim him from those haunts; she not only did not charge him with infidelity, but she never reasoned with him, never took the means that a woman should take to reclaim an erring husband. She never said to him "you are going out to an improper place, why do you not remain with your family?" We have the evidence of the physician Baynes that she was a lady of a very peculiar temperament. He says she was hypochondriacal, and he was called in to an examination. He says she was a woman of an exceedingly nervous tem-

perament, a fact which I am sure the members of the Committee could not have failed to notice, as I did, when she was examined before them. It is very evident that she is a woman of an exceedingly nervous temperament—that she was really hypochondriacal and imagined things often that did not take place. She could not assign reasons or furnish causes for the course she took. We have further the evidence of the housekeeper, Annie Mahar, who lived at the brother's house and knew them up to the time they separated. Her testimony is that he was a kind and devoted husband exceedingly fond of his children, that he kept late hours, but from all the opportunities she had of seeing them she thought they lived amicably and comfortably together. Having arrived at the conclusion that up to the time of the separation she had no cause to apply for a divorce, I do not believe that the subsequent acts of adultery and his subsequent life justified the application. No doubt he went astray, and very badly astray. She had left him to evil associates and in a city like Montreal he would be likely to be led away by them. The cases decided in England all go to show that where a woman leaves her husband, without a sufficient ground for separation, the subsequent misconduct of the man does not furnish ground for divorce. As regards cruelty, no ground has been established for this application. Both the text-books and the cases show that cruelty must consist of legal cruelty —ill treatment of a wife. He may be cruel in language or speech, but it must be cruelty such as the woman felt endangered her life and compelled her to leave him lest he should at any moment turn on her. There was nothing, in my estimation, to justify this lady in leaving her husband, and by her desertion of him she was largely instrumental in his going astray afterwards. My hon. friend from Midland said she was driven into the street. She had large means of her own : she was not like a woman dependent solely on her husband for her support. A large portion of her property was guarded by trustees and he could not get hold of it.

Hon. Mr. MACDONALD (Midland) —He took all he could get.

Hom. Mr. MACFARLANE—That may be true, but this lady has never been left on the street. She has been able to go to England with her family. She was in a different position from a woman wholly and solely dependent for the support of herself and children on her husband. While I should like to see this woman obtain some relief, I think we should be establishing a dangerous precedent if we granted this bill of divorce. If we admit that diversity of temperament, and other causes which prevent people from living happily together, furnish sufficient grounds for divorce, the applications for relief will increase enormously.

Hon. Mr. MACDONALD (Midland) —I should like the hon. gentleman to explain what he thinks of the man's remark to his wife—" It is not very pleasant to wake up and find yourself next to a harlot."

Hon. Mr. MACFARLANE—It is true the lady made a remark of that kind. They were very probably having a misunderstanding. You cannot tell what gave rise to the remark. My hon. friend certainly would not hold that was a sufficient ground for granting a divorce. I feel reluctantly compelled to oppose this Bill, and shall vote against it.

Hon. Mr. TRUDEL—I regret very much that somebody conversant with the French law in force in our province has not vindicated our system of law. I wish to enter my protest against what has been said of a system which has stood the test of centuries and which has been in force and is still in force in most of the great civilized states of the world.. I think that those laws, properly explained, should be the best justification of the position which is taken by those who oppose this Bill. It is hardly necessary for me to say that those who belong to the Catholic faith are, under any circumstances, opposed to divorce, but there is something more. The whole question has been considered by the supporters of the Bill as a private matter —that is, as a difference between this unfortunate wife and her husband. In my humble opinion, this matter cannot

be decided without being examined into from a public point of view, and the interest of third parties should not be ignored. The children of these unfortunate people would be placed, by the passage of this Bill, in a worse position that they occupy now. It might be a great injustice to them to pass this Bill unless there are good grounds for doing so. I regret that the reasons, founded in public morality and justice, which are so evidently the basis for our system of law have not been explained by somebody conversant with the system, and I protest against the manner in which that system has been so bitterly assailed.

Hon. Mr. KAULBACH—In a matter of such importance as this we should hesitate before we decide upon separating husband and wife. To undertake such a duty as devolves upon me in this important matter—a matter of such serious responsibility, everything should be heard that can be said on either side. I have sat here for a long time patiently listening to the reasons given by my hon. friend from Barrie, desirous if possible to view this matter in the same light that he did, but he failed to convince me. On the contrary he has forced me to the opposite conclusion. I feel myself obliged, before voting, to give my reasons for the position I take. My hon. friend from Barrie has lost sight of the mantle which covered him while he was acting as a judge in the courts. No person sitting in the Committee at the hearing of such cases as this has been more anxious than he that established precedents should be followed. He searched carefully the decisions of the House of Lords and he was anxious that no report should be presented to the House which was not on all fours with the decisions of the House of Lords. I know of no gentleman who sat on these committees, who was so desirous that we should follow the wise judgments and decisions of the English courts in these matters as my hon. friend, yet yesterday he ignored his past record. He said we were in a different atmosphere altogether in this country, that we were not in harmony with the sentiments of England—that we had a different standard of morality and a different social condition. He led us to believe that we were above all law here—that we are merely legislators. I do not consider in the discussion of this matter that we are above the law. It would be unwise for us and would be an interference with the liberty of the subject if we were to say we are a law unto ourselves, and to disregard the law of the land and act according to our own notions of what is wise and proper. I hope we will never come to that. My hon. friend led me with many others, to believe, when he moved for a *quasi* court of enquiry in those matters, that his object was, if possible, to keep these divorces within certain limits, and to avoid hasty and imprudent decisions in these cases. Yet my hon. friend casts all that off and, regardless of precedents and rules, comes here and asks us to decide this case, not in conformity with any case he has ever read of, but in contradistinction to and in violation of every precedent we have had not only in the House of Lords but in the Divorce Court in England. I must differ from my hon. friend in that regard. I contend that we are bound under rule 84, to take not only the practice of the House of Lords, but we are bound also to take the decisions of the Divorce Courts. My hon. friend has now departed, for the first time, from the safe course, and has set up a different doctrine and rule for our guidance in matters of this kind.

Hon. Mr. GOWAN—Will my hon. friend allow me to offer an explanation? He has entirely misunderstood my position. The principle that I proposed to guide the House is precisely what was said by Lord Thurlow :—

> "The House passed divorce bills in a variety of circumstances. In all such cases their Lordships governed their conduct by the particular circumstances of each particular case under consideration. Indeed, he knew not how they could do otherwise; because with respect to divorce, he knew of no rule to direct their conduct or to limit the wisdom and discretion of the House."

I have great respect for authority when it commends itself to my common sense, but not for authority when it is unsupported by sound reason.

Hon. Mr. KAULBACH—Can the

hon. gentleman show any case of this kind where parties were separated *a vinculo matrimonii*—where parties have been separated for causes which would not justify then being separated by law or for cause which, if they went to a Court, would not give them seperation *a mensa et thoro*, that they could take anything the party had done subsequent to that and make it cumulative and add to the evidence and get a divorce *a vinculo*? The cases are distinct that where a woman seperates for a cause that would not justly that separation according to precedent, either for adultery cruelty or desertion, a divorce is not allowed, but my hon. friend would make it appear that the Courts of England were opposed to the wife. It is sound policy and sound judgment. It is the law to protect inheritance in England, that a man may be guilty of much indiscretion without involving divorce, but the wife's conduct must be above suspicion, that the issue of other persons might not come into the inheritance—persons not entitled to it. These decisions have gone far in the Courts that a wife should not, and cannot, leave her husband for the same reasons that would justify a husband in leaving a wife. On grounds of public policy, and wisdom, and prudence, which cannot be questioned, this distinction is made. I cannot follow my hon. friend where he says we are not bound by law and precedents. We are bound by them. This very question of desertion is made one to go before our own Committee. They are instructed at the second reading of the Bill to make this very enquiry—to ascertain whether she left the husband by consent and if she was living separate and apart from him by his consent at the time of the adultery. The very question itself shows here that it is on all fours, not only with the decision in the Quebec Court, but with the decisions of the House of Lords and the Divorce Courts. Here we have followed the same decisions and practice. When she released him from his marital relations she could not afterwards claim a divorce because of the consequences which followed her desertion—she cannot make that a ground for a subsequent separation *a vinculo matrimonii*. This is the principle recognized, not only in the House of Lords, but in the Divorce Court, and it has been established and declared in the Province of Quebec, and in this very case in which the same issues and facts and questions of law were raised that are before us now. But what do our instructions to the Committee say? "You shall enquire as to whether at the time of the adultery of which she complains he was by deed, or otherwise by consent, living separate and apart from and released by her, as far as in her lay, from his conjugal duty." This question came up before the Committee and was the question to be decided by them. If she was living with him at the time he committed the offence of which she complains there would be ground for a divorce, but if, on the other hand, she separated from her husband, as the evidence shows she did, without his consent and authority, and for a cause which would not justify her leaving him, then she takes the responsibility upon herself of her own conduct and she cannot hold him responsible for any discretion which he subsequently commits. That is sound judgment, and it is the law as administered in the Courts of Quebec and in the Courts of England, and before the establishment of the Divorce Court there, in the House of Lords. My hon. friend says we are here to make a law for ourselves, in every case to act upon our own judgment and sentiments. I regret that he would seek to introduce such a principle into this Parliament, for if the sacred matrimonial tie is to be severed in any case, we are bound to do so on the strict legal rights which exist between husband and wife. I am surprised at my hon. friend laying down such a rule for us to follow. It is quite evident to me that my hon. friend in this matter has made up his mind that this woman ought to be separated from her husband. I agree with him that it would be better if they were separated. I do not believe that by habits, tastes, sentiments or any rule they could be made a happy and loving people—loving and cherishing one another. None of those sentiments and feelings which would make them a happy couple exist in their case, but that is

their own business. Having entered into this holy estate of matrimony they must abide by the consequences of it, and unless a case is made out of cruelty, desertion and adultery which would justify divorce, she must put up with the bed she has made for herself. My hon. friend asks us why did he not go into the box and prove that he had been guilty of that with which he has been charged. What! to disprove what has never been proved? You have got in this evidence after evrey part of Montreal has been ransacked for testimony against him and the vilest people have been employed for the purpose—no proof that during all his married life of some eleven years he had been guilty of anything which would justify this woman in applying for a divorce. There is proof of but one case which casts a little suspicion upon him. He was seen coming out of a house of ill-fame with two or three gentlemen. Does that prove that the man went to the house for improper purposes? No, I do not believe that is the way he would visit the place if he meant to do evil, but the very woman brought to prove that he was guilty, disproves the charge. She distinctly swears that, as far as she knows, nothing improper occurred there. Then where is the evidence of adultery in this case? There is nothing of the kind to justify the charge. Then my hon. friend says he ought to have gone in the box. I say there is no reason why he should go into the box, and he may have been governed by a different reason than consciousness of guilt in not entering the box. He may have felt that his wife has separated from him for causes which he regrets, but he is not the man to hurl a stone at her character—he is not the man to try and destroy her reputation. He said nothing to cast a stain upon her name. He does not come here to injure the character of his wife or his children, and therefore he is willing that the law shall take its course, satisfied that there is no justification for her conduct. He stands upon that and upon his rights. My hon. friend asks why did he go to such a place? Many a man, when he is away from home, may be led into vice. It is not contradicted that they lived together in harmony as husband and wife and, apart from this charge of adultery, which is positively disproved, what is there to be said against his character? That he belonged to a club of which many of the best gentlemen of Montreal are members! No man can become connected with that club who is in bad standing in society. They say he gambled there, but no gambling is allowed at that club. He went there and probably kept late hours. There may be some who do not know about such places, but very few gentlemen do not visit those clubs—respectable men—standing well in society, and there is nothing said against a man's character on that account. The respondent in this case frequented this club because his wife's company was not congenial to his taste.

At six o'clock the Speaker left the chair.

AFTER RECESS.

Hon. Mr. KAULBACH resumed the debate.

He said—When six o'clock came, I was endeavoring to show to the House that if we are governed in all those cases by the precedents, not only of the House of Lords, but of the Divorce Courts, it will be found that in no case similar to this was a wife allowed a separation *a vinculo*. I was contending at the same time that for simple adultery by itself, there is a distinction made—that it would not justify a divorce *a vinculo* on the part of the wife, while adultery by the wife would justify a divorce *a vinculo*; and I was endeavoring to show by the decisions of the House of Lords, that they always appeared to be guided by precedent in those cases. The hon. gentleman from Barrie rose to interrupt me and to show that my position was false. I sat down to hear how he could meet the position I had taken. My hon. friend rose with that weight of authority that is peculiar to him, and, with a book before him, cited his authority to the House. I do not wish to impute to my hon. friend any intention to deceive the House, but by simply taking one sentence from the decision which he quoted he succeeded in creating an erroneous impression on the House. The hon. gentleman must

have known that the case he cited was not an ordinary case of adultery on the part of the husband; it was that character of adultery that had never come before the public in this form prior to that date. It was a case for which there was no precedent, and God forbid that we shall ever have such a precedent again, and it was an exceptional case where the rule was departed from. My hon. friend did not tell us that it was a case in which the man was living in adultery with his wife's sister, and the offence was of such a nature that the parties could not come togehter again, because the connection would be incestuous. It was an extraordinary case and did not come under the ordinary rules of divorce. My hon. friend from Barrie said that there was a general rule propounded by Lord Thurlow that every case should be tried on its own merits.

Hon. Mr. GOWAN—The hon.gentleman is misstating what I said. My hon. friend was advancing the position that in the House of Lords they were governed invariably by precedent, and I quoted Mrs. Addison's case merely to show that, while the Lords guided themselves by precedent as a rule, still the whole domain with regard to every matter coming before the House of Lords was within their grasp, and I quoted Lord Thurlow in that connection only.

Hon. Mr. KAULBACH—My hon. friend made the quotation to show that every case stood on its own merits, and his contention was that simple adultery would be a sufficient ground for a bill of divorce against the husband in the House of Lords. I will read the case to show what the feelings of the court were, because it was only under these particular and exceptional circumstances that the law lords departed from their practice in other cases. The head note is :—

(McQueen's practice, House of Lords and Privy Council, page 594)—Bill of divorce by wife, on ground of husband's criminal conversation with wife's sister. Record of judgment against husband received in evidence. Debate. Speech of Lord Thurlow. Held that after husband's criminal commerce with his wife's sister, intercourse between husband and wife would be incestuous.

* * * * * * *

" It appeared in evidence that Mr. Addison had maintained a criminal intercourse with his wife's sister, Mrs. Campbell, the wife of Dr. Campbell, a medical officer in the service of the East India Company. For this injury Dr. Campbell recovered a verdict against Mr. Addison for £5,000 damages; and Mrs. Addison proceeded against him in the Ecclesiastical Court, where she in due time obtained a sentence of divorce a *mensa et thoro*. It was under these circumstances that she now applied to Parliament to be relieved by Bill of Divorce from all connection with the husband thus at once convicted of adultery and incest."

The foot note says " the case of Mrs. Addison was undoubtedly the first example of such an application."

The Bill having been read a second time, the debate was opened by the Duke of Clarence, who opposed the measure solely on the ground of the sex of the petitioner, and concluded by moving that the first enacting clause of the Bill be expunged. Lord Thurlow rose to reply and said :

" He had considered the manner in which the crime of adultery was treated by the Levitical law, by the Mosaic institutions, and by the Gospel; and he found in all of them that the woman might be put away by her husband for adultery, and there was no express injunction that the wife might not, on the same crime of adultery having been proved against the husband, obtain a separation from him; nor was there any prohibition restraining the parties from marrying again. In modern times divorces had been granted by the legislature *a vinculo matrimonii*, upon proof of adultery by the wife. The necessity of appealing to the legislature for such a separation arose from the ecclesiastical courts not feeling themselves warranted to do more than to grant a divorce *a mensa thoro;* which was, in one point of view, sufficient; because it put an end to the marriage connection as there could be no further cohabition unless a reconciliation took place. The House passed Bills of Divorce in a variety of circumstances. In all such cases their Lordships governed their conduct by the particular circumstances of each particular case under consideration. Indeed he knew not how they could do otherwise; because with respect to divorce he knew of no rule to direct their conduct, or to limit the wisdom and direction of the House. Where was he to look for such a rule? Was it to be found in the common law? Was it to be prescribed by special statute? Was it enforced, by reason, by common sense, by morality or religion? No such thing. What was the nature of the objection.

to granting the petitioner, a much injured wife, the divorce which she prayed for?

Then comes the remark from which my hon. friend quoted two sentences, and which show that in an exceptional case like this, the House of Lords departed from their rule for the cogent reasons which I have given :—

"Let the circumstances be duly weighed and considered. Mrs. Addison complained of her husband, not merely on the ground of adultery, but on the aggravated ground of incestuous adultery. Let their Lordships suppose by way of illustration, that Mr. Addison had carried on a criminal connection with Mrs. Addison's sister previously to his marriage with Mrs. Addison. In that case he could not have contracted marriage with his present wife, because such marriage would have been tainted with incest, and if entered into, would have been pronounced by the Ecclesiastical Court, void in itself. Look then at the question as it actually stood: in divorces, expectations were sometimes formed that a reconciliation might take place between the parties. But in this case, were Mrs. Addison ever so much indlined to forgive her husband, a reconciliation could not legally take place: because after-connection between them as man and wife would be tainted with incest."

The Lord Chancellor (Eldon) remarked that he should feel little difficulty in giving way to the greater wisdom, experience and judgement of his learned friend; as he was now satisfied that the divorce in the present instance from the specialties of the case, stood manifestly contra distinguished from any other application by a wife for a divorce, that was likely to be brought before the House; and that the Bill might pass without operating as a dangerous precedent. At the same time he must retain the opinion that upon an application by a wife, on the adultery of her husband, for a divorce, the application, resting on that simple and distinct ground, ought, for the sake of securing the morals of the public, to be resisted and refused. It was to be considered that adultery committed by a wife and adultery committed by a husband, were widely different in their consequences. The adultery of a wife might impose a spurious issue on the husband, which he might be called upon to dedicate a portion of his fortune to educate and provide for. Where no such injustice could result to the wife from the adultery of her husband; and in many cases, not only a reconciliation might be brought about, but it became the especial duty of the wife to forgive her husband from motives of tenderness and concern for the interests of her innocent children."

Then comes the remark of Lord Rosslyn upon the same point, who said:

"It had not occurred to his mind that a reconciliation could not legally take place. His objections to the Bill were in a great measure removed. It stood upon strong special grounds, and might safely pass."

Now, I would ask the House, after what my hon. friend has said, whether it was fair to quote this as a precedent for saying that the House of Lords were governed by no rules and by no authority at all. The hon. gentleman read only a few extracts from Lord Thurlow's remarks, to justify the extraordinary position he takes to-day, that we are not to be governed by precedents, and that each member is to be governed solely by his own feelings and sympathies. I say if that is the case, then away with such a court as this, or any decision coming from a body governed by no rules, no precedents and no law; a body who are a law unto themselves, governed merely by their own whims and sympathies. I say we are bound in this case to be governed simply by the evidence before us, and we can take no other position and cannot listen to what people outside say with regard to the character of the man or the character of the woman; and if hon. gentlemen have read the evidence, they can come to no other conclusion than that there was no justification for this woman deserting her husband. We are told that she had no home to go to, that she was obliged to leave her husband. That assertion is not based on fact. He had a house for her and lived in his house. The evidence is not that he was a cruel husband. He took her down to Florida with him for the sake of her health; she came and went at her own caprice. She travelled to England, when she pleased. She travelled to the United States when she pleased, and took her children with her. Is there any evidence of cruelty in this? It is shown that he maintained his family; that he had an income from his earnings of $4,000 a year; and the assertion that he had no house for her to live in, is an assertion without any foundation in fact.

HON. MR. MACDONALD (Midland)—Will my hon. friend read the evidence?

HON. MR. DICKEY—Is there any-

thing in the evidence about his having a house in Montreal?

HON. MR. KAULBACH—Certainly there is, on the first page of the evidence the petitioner is asked "was there any particular reason for your residing there (at her husband's brother's) at that time and not in a house of your own?" Her answer is "Yes, he had no home to offer me. Our house. which was next door, was let at the time and he had no business and no home to give me."

Does that show that he had no home, because it was let? They had just come up from Georgia where they had been living harmoniously and happily together, as the evidence shows, and by her own statement. Was he to leave his house vacant all the time while he was away with his wife for her health—leave it idle until their return, because of her caprice? There is evidence that they had a house; that the time of the tenant was not up, and that they lived with the respondent's brother temporarily. After living with him for a time she goes of her own accord and takes rooms at Mrs. May's boarding house temporarily, and we know from the evidence that she never told him that it was a step towards leaving him forever. She never accused him of any offence or said that his conduct was such that she could not live with him. Being a woman of excitable temperament, she imagined many things that did not exist. The doctor says she was hypochondrical. She imagined she had syphilitic disease when there was no such thing wrong with her. Having left her husband and taken rooms temporarily at Mrs. May's, he visits her there, and when one of the children was sick, at the hospital, he went with her to visit his child. They come back together; they dine together and visit at his brother's; yet during they whole of that time she said nothing to lead him to suspect that she had any intention of leaving him. It seems to me it was only an after thought on her part to leave him for good. After carefully reading the evidence, one can find nothing to prove any cruelty or bad conduct on his part toward his wife, expect that he was infatuated with cards, and stayed out late at night at the St. James Club. It is not shown that he played for money. Has she shown, from her history of her married life, a disposition to keep her husband at home? We have evidence to the contrary—that she never complained against her husband; that they lived harmoniously together, and the only complaint she had to make of him was that he kept late hours; that he was irregular in coming to his meals, and sometimes satyed out all night. We have the evidence of the doctor, who was examined, who describes the great anxiety the husband felt for her health, for her recovery and for her happiness. He urged the doctor to do everything he could to improve her health and her physical comfort. It is evident that this pair were not suited to each other. She was well provided for; she had nothing to do; had plenty to live upon; had servants at her command; and there is not a tittle of evidence that he squandered her money, except some $10,000 that he got from her to embark in a business with a man named Gordon, and some $40 which he borrowed on another occasion to maintain the house. There is no evidence that he in any way abused her, or that he spoke harshly to her except when irritated about his mother-in-law's will, when he was excited and used some cruel remarks with regard to his wife's mother.

HON. MR. MACDONALD (Midland)—The hon. gentleman says that there is no evidence that he squandered her money except to the extent of $10,000. I call the hon. gentleman's attention to the first clause on page 4:

"I suppose that I had $100,000, though he told me that I had nearer $200,000, and he told me later on that he had lost a quarter of my inheritance in speculations in New York, at one time."

HON. MR. KAULBACH—But she says herself, whatever his assertion may have been, the sum he lost was about $30,000. But we have no evidence that he got any money from her except the $10,000 that he put into the business.

HON. MR. MACDONALD—That is his own statement.

HON. MR. KAULBACH—She says it is his statement to her. Now, what was the temperament of that woman? She was of an excitable nervous temperament, easily aroused into a passion, easily provoked. We have evidence that she lived with his family for awhile, and that she lived in discord with her husband's family—that she lived in discord with her own mother, and for years would not speak to her. We have evidence that while she was in those moods her husband was kind and indulgent, and never made a reply which would provoke her to anger or interrupt the peace of their home. Hon. gentlemen cannot show me a tittle of evidence that he was not kind to her in every respect, except that he kept late hours. She leaves her husband and goes away to England with her children to live apart from him. Did he act as some men would do, press his rights and insist on her coming back to him? No, he begs her to come back, but she refuses all his requests, and it is without his knowledge that she leaves for England, taking the children with her. It is not in human nature that a man would submit to such treatment quietly, as he has done in this case. Take the evidence of his own brother and of the servant who lived in the house for four years. They both agree that the respondent and his wife lived in perfect harmony. The servant girl says that she never knew a dispute between them, and never knew a gentleman so thoughtful and kind. These statements are not contradicted, and in view of all these facts, I would ask if there is anything to justify this woman in leaving her husband and taking her children with her? I cannot see where the justification comes in, because she made no charge against him, and if she had ground for charges against him, she never made them. She complained of his late hours, but to nobody did she complain of infidelity on his part, until she was about leaving the country. If we decide that it is right for a woman to leave her husband without justification, then I say we are taking the first step to destroy that close relation which should exist between husband and wife. We are encouraging separation and divorce, and encouraging people to live in discord, and wives to drive men to lead abandoned lives. I regret the conduct of this man after his wife left him; but I say she contributed towards his misconduct. She left him for three or four years without justification, having made his home most uncomfortable for him. If he took company home she was not disposed to entertain them, and he was driven to seek his comfort and happiness where he ought to have gone, that is, to the club. After she has deserted him for two years, she comes back to Canada and sets detectives to work to hunt up all his past history, and to find out something on which she could base a charge against her husband. Now, are we going to justify this woman's desertion of her husband for two years without cause, and to grant her a divorce because of acts committed by him after her separation from him? 'Tis absurd. Common sense will not justify it, the law of divorce will not justify it. Instead of showing a disposition to reclaim him or make his home happy, I say she has made herself responsible to a large extent for his staying out at night instead of remaining at home with his wife and children. I contend that in a case of this kind there must be at least *prima facie* evidence of the guilt of the husband. It is not reasonable to suppose that he stayed out at night for any improper purpose. The detectives that were put upon his track found no bad conduct on his part during the time the wife lived with him, except the one instance of his being seen coming out of a house of ill-fame, and we have the evidence of one of the inmates that he came there with three or four gentlemen, stayed a short time and then went away. She is asked distinctly and plainly if anything occurred on that occasion to justify the charge made against him, and she says "no," and she never saw him there again until after the wife had abandoned him.

HON. MR. MCCALLUM—It appears to me that if he was an innocent man he could have gone before the committee and denied all this.

HON. MR. KAULBACH—No man will go into a witness box, when he is not

called upon to do so, and there is no case made out against him. But there may be other reasons why he did not offer himself as a witness. He was unwilling to cast any stain upon his wife or children; he was willing to stand on his rights, that he had done nothing to justify a separation. I am taking a reasonable, a generous, a humane view of his conduct. and I say that he acted with a wise discretion in the interests of the character of his wife and his children. I contend that there was no necessity on his part to rebut the case at all; that his position was justified by the evidence which the petitioner adduced before the Committee. There is a great deal of contention that, in the court below, the case was tried on a different issue altogether.

HON. MR. GOWAN—No one said it was a different issue, but that there was not the same evidence adduced.

HON. MR. KAULBACH—My hon. friend makes an assertion of which he has no proof. He was not on the Committee, but I am under the impression that although the petitioner did give evidence in the case in Montreal she got it in under the indulgence of the respondent, and when she was there to give her evidence they could not shut her mouth.

There was evidence taken in the court below: the whole case was gone into and it is unfortunate for us that we had not that evidence. The whole record should have been before us to enable us to judge whether there was a discrepency between the evidence in the two cases. Therefore I say that this was not determined upon that rule which the hon. member from Barrie would lead us to believe was followed—the 188th article of the Civil Code of Quebec. It was not decided upon that, but upon a charge of ill usage and grievous insult. The authorities have held that continued adultery or open profligacy, constitute grievous insult. The issue between the parties was the same in both cases and we should be careful about conflicting with the decision of the highest court in the Province of Quebec.

HON. MR. OGILVIE—Hear, hear.

HON. MR. KAULBACH—My hon. friend laughs at it: we are to despise the decision of the court of Quebec, then?

HON. MR. OGILVIE—We have nothing to do with it.

HON. MR. KAULBACH—We are to ridcule the decision of the highest court in that province. We, a committee, with only one lawyer upon it, the rest all laymen, are to decide points of evidence in opposition to the decision of the highest court of Quebec given the same week that the case was heard here. My hon. friend may laugh, but it is a grave responsibility for us to take, unless we can show that there is new evidence furnishing ground for it; but simply from our own predisposed notions and prejudices we are to decide a case contrary to the judgment of the Supreme court of the province of Quebec. We have here the petition in the Court below—the declaration by the petitioner, alleging notorious adultery. That is the issue under article 189 of the code, and the same issue that was raised before us here. Then we have the pleas. What are they—desertion on the part of the wife.

> "That during the fall of the year eighteen hundred and eighty-four the said plaintiff without any cause and without justification and without giving any reason therefore left the bed and board of the said defendant and engaged separate lodgings for herself in the City of Montreal and refused to receive the said defendant or live in a dwelling which he offered to provide for her."

These are the facts set up, and the judge finds them true—he finds that the defence is correct. He says that she left her husband without sufficient cause—a decision which is identical with the decisions of the House of Lords and of the Divorce Court of England. Under no circumstances has either of those tribunals allowed a divorce to the wife under circumstances of that kind. The judge's decision is that the desertion of the wife, for so long a period without excuse, caused the acts of adultery of which she complains, and he refused to grant the separation. To over-ride the decision of a court of competent jurisdiction, with the same

issues before us and between the same parties, would be to take a responsibility upon ourselves which I for one shall wash my hands clear of. I for one shall be no party in this House to going against the decisions of the House of Lords, of the Divorce Court of England, and of a competent tribunal in the Province where these parties reside. Now, the case of Lord Lismore establishes this principle, that if one party leaves the other, except for good cause, and contributes to the chances of the others infidelity, there is no ground for divorce. Cruelty and desertion are causes in England for separation from bed and board, and when you come to the greater separation —the severance of the marriage tie—the sacred tie, which I, for one, do not believe is merely a civil contract—I for one could never be a party to granting such a divorce unless I was justified by the facts—facts of such a nature that the parties could not live together again. The Act respecting jurisdiction and procedure says that the Court will refuse a divorce where the parties left each other without sufficient cause.

Hon. Mr. GOWAN—She had sufficient cause.

Hon. Mr. KAULBACH—My hon. friend says she had sufficient cause. If he wishes to contend this matter further, I will show him that she had not sufficient cause. There is nothing to justify the desertion, and when the hon. member says that there is sufficient cause he must divest himself of every rule which has governed his whole life, in his practice as a lawyer and in his position as a judge, and say that he is going, of his own caprice, to decide these questions and not to be governed by any principle or authority. If my hon. friend takes that position I am sorry that he, as a judge, should do so, holding, as he has done, an important position on the bench and in this House. I say there is no evidence at all here that justifies this woman in leaving her husband or seeking a divorce. I am sorry that I have taken up the time of the House in this matter, but I could not give a silent vote on such an important question. I believe I have taken the right position in this matter—a position which is justified in a moral and social sense, and justified by the law that we have before us. If this Bill is passed the consequences will be deplorable. If you tell a woman that she can leave her husband—her husband who has been so kind, and so indulgent in everything except in staying out late at night, letting her go when and where she pleased, living at the Windsor Hotel, and in a spacious mansion he had provided for her—if, under such circumstances, you are going to allow a woman of nervous temperament and vivid imagination, to be separated from her husband on the slightest grounds—you will have this Senate flooded with applications. When the people outside know that we are governed by no law here, and that everybody will be guided by his own caprices and fancies, we will have the flood gates of immorality open on the land, and instead of this House being occupied with proper legislation, we will have before it cases like this, which do not tend to the security or the improvement of society.

Hon. Mr. McINNES (B. C.)—Although this question has been thrashed out pretty well, and discussed by a great many legal luminaries of this House, yet, as I intend to cast a vote, and that vote against the adoption of the report of the Committee, it is only due to myself and to the House to give some of the reasons why I take that position. Although not a member of the committee, its meetings were held in room No. 8, where I had my writing desk, and I heard the whole evidence from beginning to end, and I must confess that my feelings throughout the investigation were with the lady. My feelings are still with her, but I will not allow my feelings to obscure my judgment, and I am determined to act the part of an impartial judge (for we are all supreme judges in this matter) and give my judgment according to the evidence adduced before that committee, divesting myself of all sympathy and feeling in the matter. A great deal was said about the immorality and irregularities of the life that the respondent led before his wife left him, but to my mind there was not a tittle of

evidence adduced before that committee to prove he was guilty of adultery. It is true that one of the witnesses, a saloon keeper, stated that about eight or nine years ago he saw the respondent coming out of a house of ill-repute with two or there gentlemen. That was taken as conclusive evidence that the man was in there for immoral or carnal purposes. It was alleged that one morning on waking he turned to his wife and made use of the most brutal language—that it was not pleasant to wake up and find himself beside a harlot, and that was construed as a confession that he was guilty of a breach of the marriage contract.

HON. MR. SUTHERLAND—Did he deny it?

HON. MR. McINNES—I do not know that he was asked to deny it.

HON. MR. KAULBACH—She did not think it was necessary to ask him to deny it.

HON. MR. McINNES—Even if he made that statement to her, it has not been corroborated by any other evidence or circumstance. The impression that was made upon me at the time I heard the statement—and I think it must have been the impression made upon a great many members of the Committee and other members of this House who were in the Committee room at the time—was that if made it was when in a passion, or it was done to use language which though not perhaps parliamentary yet I understand is a favorite expression of the great evangelist Sam Jones, "a piece of right down mean cussedness." It was either one of these two things, or if it was not one of those two things, no sane man would make such a confession to his wife, or anyone else—that he was a degraded libertine—unless he was under strong conviction and intended to lead a better and purer life. I am frank to admit that, from the evidence that was adduced, my impressions are strongly that he was guilty of a breach of the marriage contract before she left him, but it was not brought out in evidence, as I said, and I am not going to allow my feelings, my sympathy, or my belief to override what I believe to be my duty, and that is to give a verdict according to the evidence, and that alone. The petitioner was of a highly nervous temperament. She suspected him, for a great number of years before she left him, of being untrue to her. She even called in a couple of medical men to know if she had not contracted some unmentionable disease. Those medical men thoroughly investigated her condition, and one of them gave evidence before the committee, as unprejudiced and fair evidence as I ever heard in my life. He stated there was nothing wrong with the woman at all, but she was hypochondriacal—that she was highly nervous and drew largely on her imagination, to such an extent that she was actually ill. Any one who saw her give her evidence and not only giving her own evidence, but even while the witnesses on her own side were being examined, could observe that she was in a state that you would almost imagine qualified her for an asylum or mad-house. Her every word, look and action confirmed this impression. The most extraordinary part of the proceedings, to my mind, is this: she lived with her husband five or six years after she suspected him of infidelity, and according to her own evidence that conviction grew stronger month by month and year by year until at last she made up her mind coolly and deliberately that she would leave him, but during the whole of those years she never once reproached him for his infidelity.

HON. MR. ALEXANDER — That showed her Christian forbearance.

HON. MR. McINNES —I cannot understand such Christianity as that. As a general thing Christianity has little to do with such cases. If she did not think it was something she owed herself and her children, she should at least have gone to her husband and informed him of what she suspected, and the cause of her determination to leave him.

HON. MR. ALEXANDER—Woman bears patiently the wrongs of men.

HON. MR. SANFORD—I would call attention to the evidence that she was driven from the house by her husband's brother, because she would no longer pay for her board.

HON. MR. McINNES—I have not read the evidence. (Laughter.) Hon. gentlemen may laugh, but perhaps I know more, or at least as much, about that evidence, as any member here. I heard the whole of the evidence for and against the plaintiff, and I do not think you can refer to one important statement that was made in the committee room that is not indelibly imprinted on my brain now. But, I ask my hon. friend if that was a sufficient reason why she should leave her husband? It was not the husband who was turning her out of doors, if she was turned out of doors: it was not the husband who refused her a home—it was the husband's brother, and if she had a quarrel with her brother-in-law, the husband was not responsible for it. Besides, she was a woman who owned in her own right, something like $125,000, which her husband could not touch, and she was not in the pitiable condition that many women who apply to this Parliament for divorces find themselves in. On that point again, a great deal of sympathy has been aroused because her husband spent her money to the amount of fifteen or thirty thousand dollars. Have not a great many men, some perhaps in this Chamber, invested and lost double and treble that amount in speculations of one kind and another? Was that any reason why after the lapse of five or six years, after finally leaving him she should come here and ask for a divorce? I do not think it is. But my main object in opposing this Bill is simply this; if this divorce is granted we will have a dozen applications for divorce in future for every one that we have had in the past. If we pass this Bill we will establish a principle and a precedent by which a man who is dissatisfied with his wife and wishes to get rid of her, or a wife who is dissatisfied with her husband and wishes to be separated from him, need only go away from two or three years and place the wife or husband (as the case may be) in such a position that he or she will fall into vicious habits. (Laughter.) Hon. gentlemen may laugh, but these are my convictions on the matter, and I think this House will be doing wrong and establishing a principle and precedent which undoubtedly will be referred to in the future, and that to our disadvantage morally. I shall therefore vote against the adoption of this report, and I venture to say this, although not a lawyer, I believe that if the evidence that was adduced before the committee was given to any properly constituted tribunal before which all such cases, I contend, ought to be tried—to use a common phrase, the petitioner would not have a leg to stand on and the case would be dismissed with costs.

HON. MR. GOWAN—I do not agree with you at all.

HON. MR. McINNES—My hon. friend from Barrie does not agree with me; as I have said, I am not a lawyer but that is my opinion. Before I sit down I must certainly coincide with some of the views expressed by my hon. friend from Barrie in the course of his able review of divorces both in England and in this country. I coincide in his conclusion that the quicker we abandon following a great number of the precedents established by the House of Lords the better for us in Canada. That is just in the same line of argument that I used the other day in discussing the Fisheries Treaty. We are quite capable of establishing our own precedents. I think the quicker we strike out on our own account the better, and I would just refer hon. gentleman to a despatch from London, England, to be found in to-night's *Free Press* which exposes a shocking state of affairs, a state of affairs under the sanction and authority doubtless of the English Parliament and certainly of the army among the English officers in India. I shall vote against the adoption of the report.

HON. MR. ABBOTT—I did not really intend to address the House on this subject, believing that every gentleman present, having read the evidence and acquainted himself thoroughly with the

facts, would be competent to arrive at a conclusion on this subject, and would require no advice, or assistance, or argument from me to aid him in taking the right course. But I feel that I should not give my vote in the face of statements which have been made respecting this case, and respecting the law applicable to it, without explaining the position I hold, and in doing that I must necessarily review, as briefly as I can, the facts of the case, and enquire what is the law which governs this House in respect to matters of this description. While I listened to my hon. friend from Amherst and my hon. friend from Lunenburg, I could not help wondering whether the amiable and mild-tempered young gentleman, who never did any harm but go out in the evening occasionally to play a game of whist, can be the man referred to in this evidence! A large portion of the arguments of my hon. friend from Amherst and Lunenburg was directed to prove, or to try to convince the House that the evidence, which I presume everybody here has read, who is going to pronounce an opinion on it, established that he was kind and amiable, and affectionate to his wife; that there was nothing wrong with the young man at all, except that he occasionally went out in the evening to a very respectable club to play a rubber of whist; and that it is the poor woman who is to blame for the whole of it—she is hypochondriacal, on the verge of lunacy, as one hon. gentleman said; and more fitted to be treated as a lunatic than as a sane person; that she, by her coldness, bad temper and sourness towards her husband, drove him from the house; and that he was therefore perfectly justified, within eight months of his marriage, in leaving her to herself night after night, coming home sometimes even as late as eight o'clock in the morning, and forgetting altogether the duties which he owed to her. We have heard a good deal about the justification—that he was perfectly justified in all this, because at some period or other (which is not proved in this evidence) she became melancholy, sad, and to some extent unsociable, and to some extent quick of temper. Was this before she was treated in this manner by her husband or afterwards? Hon. gentlemen all assume that she was a person of this description when he married her; then why did he marry her? He was perfectly right, because she had money; the man was not to blame for marrying a woman he did not love, because she had money, and he was not to blame for practically deserting her, because she had turned out not to have a good temper. But he was a most amiable man, and never did anything blameable. Was this the same person who told her that he was a thorough blackguard, and did not wish to be different, that his life just suited him and that she had done the only thing that she could in leaving him? Can this be the same man? Can this kind and amiable husband be the same man who, on one occasion at least, gave his wife cause to say this of him—"I have been treated with what amounted to me, cruelty; but I cannot say that I had ever received any actual violence; and although he at times had very violent fits of temper, and would sometimes threaten people's lives, and cursed his father terribly to me in private, he only once threatened me with violence, and then I ran away and he could not do it." This is the amiable young man who went out occasionally to play cards, because his wife was unsociable and not as amusing as she used to be. Now, we should leave all these efforts at exaggerating or distorting the evidence, and try to get at a rational and calm view of what the actual state of the facts is, as shown by the evidence. I shall endeavor to state them without exaggerating on one side or the other. I do not propose to represent either party as a saint or angel, but I am going to take the facts, which I think justify the line I intend to pursue in voting. Before that, I think it would be well to consider under what law we are going to decide this matter. My hon. friend from Lunenburg accuses those who are in favor of this Bill of ridiculing the Supreme Court of the Province of Quebec, of treating it with contempt. I do not find anything in the evidence, or in the discussion, to support that pretension at all. The case which was tried at Montreal was taken under a special law of the Province of Quebec, and the judge, no doubt, gave a correct judgment upon the evidence before him.

We do not know what evidence was submitted to him, but we do know this, that the wife's evidence was not before him. The wife was examined, but every gentleman from the Province of Quebec, whom I address here, knows how one of the parties to a record can be examined by the other party. There she can be can be called up on interrogatories—*faits et articles;* or examined by the other side ; but she is not allowed to be examined by her own counsel on her own behalf, except to explain any fact stated by her in the examination on the other side. So that the detail of circumstances that we have before us in this record, could not have been before the judge ; and if by some extraordinary accident it could have got before the judge—which is quite incredible—the judge had no right even to read it, except to enable him to judge that it was something in her own favour and which he must therefore disregard. So that clearly we are offering no contempt or disrespect to the Quebec courts or to the Quebec law. I would be among the first in this House to stand up and defend that system and those courts, because I know what they are ; I have been bred in them all my life, and I know how to respect the equity and justice with which the laws of Lower Canada are imbued. Therefore I say, that accusation has no foundation at all, and can only have been used as an argument which might induce some of our friends in the Province of Quebec, to think they are vindicating their laws by voting against this Bill. Such would not be the case in the slightest degree. It must be observed in connection with that, that we cannot be acting under the law of Lower Canada in dealing with divorce, because divorce is not allowed under that law. The very fact that we are considering this case, shows that we are not acting under the law of Lower Canada, because that law does not recognize divorce at all. Under what law then, are we acting? I do not know of any statutory provision, or anything in the constitution, which declares what shall be a sufficient cause for divorce or what shall not. I am told that we should go to the House of Lords for our precedents in that respect. I would ask the House to consider at what period we are to look for these precedents? Shall we go to the time when a man was granted a divorce because he wanted a male heir? Is that the time? Or must we go to the time when a woman was refused a divorce, although it was proved that her husband had been guilty of adultery in the marital residence, and that he had horsewhipped his wife, and treated her otherwise with the utmost brutality? Is that the precedent which shall guide us? The House of Lords never granted divorces to women except in two or three cases, and for a time refused them altogether, and when the House of Lords, thirty years ago, practically ceased to deal with these cases, it had not reached by many degrees the point which the divorce law of England has attained even at this time. The law which was passed in 1857, that is 31 years ago, recognizes only adultery with cruelty, and that is the law to-day, if I recollect right, though I do not profess to know the law of England which prevails in the Divorce Court there—a principle established 31 years ago by a Parliament which had held such doctrines with regard to women, as I have stated. What kind of respect or feeling could men have had for women—what kind of rank did they allow them in the social scale, who decided that a woman whose husband had committed adultery in his own house and had horsewhipped her like a slave, was not entitled to a divorce? Is that the kind of precedent to which we are to refer? I must say, and we all perceive by what no doubt every hon. gentleman knows, and by what I have just mentioned, that the House of Lords was in a progressive condition up to the time it ceased to deal with divorce cases. It was better in 1853 than it had been in 1801, a great deal better. It was progressive ; are we not to progress? Are we to take the law forever and for all time, as it was laid down in England prior to 1857 and 1858? I think not. I think if we are to take the House of Lords as our exemplar, we must at the same time adopt the principle which prevailed in that body, that is to say we must recognize the spirit of the age, and allow it to soften the rigour of the

law as administered a century ago. We must relax that rigour, and administer it now in harmony with the principles which now govern Christian society; in conformity with which we are every day regarding woman from a higher and better goint of view—we are gradually increasing our respect for her position, and more generally acknowledging her equality in every sense with man. This was once so much disputed in England, that learned judges have found it necessary to declare, that in their opinion a woman was equal to a man in all respects and entitled to the same treatment. No one here would think of laying that down as an axiom, because every one knows, and feels, and assumes it to be the case. If we have progressed in our respect for the position of woman; if we have recognized that they hold a higher and more dignified position—a position of greater equality than was recognized long ago—surely we are to do as the House of Lords did, when it was making some progress—we must progress too. We must make our judgments, render our decision, or pass our laws—because that is the proper phrase to use—in harmony with the time, and the improved position of woman, and with the purity which we attribute to her, and which we desire she should preserve, and with the preservation of the social and family relations, which I hope we desire more and more to render perfect, as far as we can. The crime of adultery has been recognized, I think by this House constantly, as a ground for divorce. I venture to say that there are many decisions of this House on the subject of divorce in favour of women, which would not be sustained eiter by the precedents of the House of Lords which hon. gentlemen have cited, or by the decisions of the Divorce Court in England, because we have repeatedly granted divorces for adultery where no cruelty was proved—so I am told; I am not so familiar with the practice of this House as other hon. gentlemen are, but if I am wrong I can be easily corrected. If that be the case, then, if in point of fact, we have abandoned the unequal and oppressive rulings of the House of Lords with regard to wives—the depreciatory view which the House of Lords took of the position of women—if we have abandoned that, I have proved all I desire to prove, namely that this House is entitled, by its precedents, as well as on principle, on a question of this kind, to take the circumstances of the case before it; and, assuming as a basis, that adultery is a basis for a bill of divorce—which I am quite prepared to accept as a proper principle on that subject—then, I think, we are entitled to look at the circumstances of the case and judge, calmly and impartially, how far the adultery, if it be proved, coupled with these circumstances, justifies our passing a bill to relieve this woman from this tie. That is the view I take of my duty here, and it is on that construction of it I shall vote. Now, what are the actual unadorned facts of this case? I would like to be permitted to state them as I understand them, in order that if I am wrong, I may be corrected; and if I am right, that they may produce the effect which they are entitled to. The first proposition of those who oppose this bill is, that this woman deserted her husband without sufficient cause. Now, what were the causes of her desertion? The cause of her desertion, shortly stated was this: that she became slowly convinced by what she heard from her husband, principally, and from his conduct from time to time, that he was unfaithful to her. That is what she swears to, and she tells how she became convinced of this. In the first place from what he said himself, and by his constant absence at night, very often all night; and in the second place by the construction which he himself put on these absences. What did he say about that? I have just read one of the statements which the respondent made to his wife, as she has proved, and she also swears to numerous other statements of similar purport; and I take what she has sworn to as proof, because it was easily to be contradicted if was not true, It was not necessary that he should blacken his wife's character in order to state the truth. And I do not think he showed the nobleness of character attributed to him by our hon. gentlemen, by abstaining from telling the truth. He told her from time to time that he was thoroughly bad; he told her

that he was a thorough blackguard, and that he did not want to be anything else —that his way of life suited him.

HON. MR. POWER—That was after she deserted him.

HON. MR. ABBOTT—He told her on that occasion also that she was quite right in leaving him. When she observed his debauched appearance, he said to her it was caused by wine and women. I judge from the evidence that she was of a retiring disposition. She expresses herself in that way. She is evidently unwilling to come out, and state in the broad language of the streets, what she found her husband did. She says it is too horrible for a woman to be made to talk about such things. A gently natured woman, being asked in a room full of men, what she had discovered, will not answer with the same candour that a woman of a differeut character will; such a woman as we had the other day before the committee, who had not the slightest adifficulty in answering with perfect coolness, or in calling a spade a spade. The lady had a repugnance to going into details of her husband's conduct, but she told enough. Hon. gentlemen will see from the evidence, in too many cases for me to repeat, the number of times that it is perfectly plain he communicated to her, and she so understood him, that he was a thoroughly immoral man. And the justification which he admitted to her she had for leaving him, what could it have arisen from? She left because she knew, and he knew, that he was unfaithful to her, and he tells her she was perfectly justified in doing so. Now, is there any evidence to prove, apart from what he told her, that she was justified in that belief? Let us see what are the facts with regard to the brothel that he was met coming out of. Some hon. gentlemen who oppose this Bill seem to think that no importance should be attached to that; that a man may be met coming out of a brothel at eleven o'clock at night, and it counts for nothing. I contend that that of itself, in the absence of any explanation, is sufficient for this House to decide upon, or for any court or jury to decide upon, that he was guilty of adultery. Hon. gentlemen talk of law books and citations. I can cite half-a-dozen cases in a moment, to prove that that is a fact upon which a court is entitled to infer adultery, if not satisfactorily explained. Now, how is this incident satisfactorily explained? A woman of the house is brought up as a witness.

HON. MR. POWER—Brought by the petitioner.

HON. MR. ABBOTT—Not therefore necessarily a perjurer—I give him the benefit of all the evidence the woman gave. I do not assume that the witnesses were brought on the one side or the other to perjure themselves. It would have been easy for the respondent to have explained this circumstance of being in that house of ill-fame, if he had chosen to do so, but he did not. My hon. friends say that this woman exculpated this man, the respondent; that her evidence shows that nothing improper happened on that occasion. She says she knew him—that she met him there on this occasion, and that he knew the other girls in the house "just like the other gentlemen;" and she is asked if on that occasion he had anything to do with any of them, and she says, "not that I know of." Now, if he knew all the other girls, like the other gentlemen, is not that a circumstance of some importance? How did he know them if he did not frequent the place? This girl says she met the respondent there, and he was talking to the other girls, and that he knew them as other gentlemen knew them. That is the language I think she used—at all events it is near enough for the purpose. This man, in 1879, knew the girls in a brothel as other gentlemen knew them, and he was there at 11 o'clock at night. She does not deny that he had not something to do with any of them. The evidence is clear that it was not his first visit there, as the witness says he knew the girls there as other gentlemen did. Now, leaving argument out of the question, what would any sensible, straightforward man think the respondent was doing there at 11 o'clock at night? What was his business there? Had he ever been there

before? What can one say his business was? I assume he was there to assist in carrying on, in one sense, the business which one of those ladies, I am told, said would suffer, because of her absence here giving evidence. He could not have been there for any other purpose. He might have been there for a benevolent purpose, but that would be inconsistent with what the witness says of him, what he says himself, and what the evidence discloses about him. He had an opportunity of standing up before that committee, and could have said "I went in there with two or three friends. I never was there before, and I did not do anything wrong." That would not have blackened his wife's character, as some hon. gentlemen seem to contend it would. The reason why the man would not come forward they say was that "he was too noble to go into the witness box and blacken his wife's character." It would not have blackened his wife character; it would have helped to whiten his own; and he should not have done less than come forward and say why he was there on that occasion. He might have said, perhaps, that he went there to try to convert these young women from the error of their ways, or for some other innocent or benevolent purposes; but I say, in the absence of any statement from him, and with the fact that he was there, and that he knew those girls like any other of the gentlemen who frequented the place, that no witness has proved that he did not on that occasion have something to do with some of those girls at that late hour of the night; in view of all these things I say, what can any honourable and candid gentleman judge, took place on that occasion? If we are sitting here to judge of the facts as the Committee have done, I for one must decide, and as seven out of nine of the Committee have decided, and I think most of those who hear me, will decide, that the wife was justified in believing what she believed; and what she was justified in believing from the man's own statement, that he was unfaithful to her. Therefore, on the theory of my hon. friends who are opposed to the bill, she was justified in leaving him. If I am right in that, and I am convinced that I am right, that must put an end to the whole of the objections to this bill; but for my part I must state plainly that I should not tie myself down to that, as the sole reason for voting for this bill. I am prepared to say, as my personal view, that the proof of adultery by a married person, even after separation from each other, coupled with other circumstances, may be a good ground for divorce, unless the conduct of the woman was such as to render her unworthy of that relief. That is the view I take of it; that is a view on which, if necessary, I would act in this case, and it is my conscientious view. But it is not necessary in this case to adopt that view. No hon. gentleman will say that this woman did anything that renders her unworthy of relief at our hands. She has taken care of her children, boarded them and educated them at her own expense since she left her husband. I have spoken of the causes which led her to leave him. I do not know what hon. gentleman think. I do not press them to think as I think, one way or the other. I merely wish to place before them my view of this evidence, as a justification for myself in their eyes for voting as I do. Even if it were not to my mind proved, as nearly with certainty and conclusiveness as circumstantial evidence will go, that he was guilty of unfaithfulness to her while living with her, then I should say I would be equally determined to vote for this bill, because after consideration of all the circumstances, I believe she did nothing which in my own eyes renders her unworthy of that relief. The adultery after the separation is of course proved. It is not disputed. The only argument I have heard with regard to that is, that the respondent is perfectly justified in it, because his wife was not living with him; and we are told that if we allow a woman to be divorced because a man is guilty of adultery after she separates from him, we shall be opening the door to all kinds of profligacy. But how are we going to encourage immorality by granting this woman a divorce? People might say we are going too far in punishing immorality, but certainly no one can say we are encouraging immorality, in punishing a man who has been guilty of adultery.

HON. MR. KAULBACH—Does not a woman who leaves her husband without cause contribute to his adultery?

HON. MR. DEVER—Will the hon. gentleman explain to me the last line but one on page three, the petitioner's evidence, where she is asked, "Were those suspicions confirmed?"

HON. MR. ABBOTT—Her reply is, "I unfortunately had no knowledge of any facts." That is quite consistent with the whole statement. She had not at that time investigated her husband's conduct. I just ask the hon. gentleman to consider this fact, that she did know, that her husband had admitted it. My hon. friend thinks nothing of that; that is of no consequence. If she did not see him in the act, had she no right to leave him?

HON. MR. DEVER—That is my point.

HON. MR. ABBOTT—If she was to believe what her husband said to her on that subject, she must have been convinced of his guilt. When a man blackens himself he is generally believed, and if she believed what he said to her, she was justified in believing that he was unfaithful to her. Now, I am not disposed to go into any question of sentiment in respect of this case. I think sentiment is misplaced; but I think when we as legislators; not as judges acting under a fixed rule of law laid down for our guidance, because we have none such—I say, without the least hesitation, that we, as legislators, in deciding whether or not we will give this woman the relief she asks for, must consider the surrounding cicumstances; and must consider also the arguments which hon. gentlemen opposite offer against our exercising our discretionary power, whatever it may be, in the direction of granting this bill. Hon. gentlemen say "what will be the condition of those unfortunate children if the divorce is granted?" But I ask hon. gentlemen what will it be if the divorce is refused? Two young girls of 13 or 14 years will be placed under the control of a man who is proved in the record to have been frequenting a house of prostitution, and having criminal connection with prostitutes, within a fortnight of the time they gave their evidence here. One woman when asked said it was a week ago last Saturday night; the other fixed last Thursday week; and the result of our refusing relief to this petitioner would be to place those two young daughters under the control of a man, who, two weeks ago, is proved guilty of frequenting houses of ill-fame, and co-habiting with prostitutes. How can hon. gentlemen be so misled by a fancied appreciation of texts of law as to think that we are doing those children an injury, by protecting them from being placed in such contaminating contact? Here is their mother able and willing to support them, educating them at this moment and supporting them out of her own means, and we are asked to consider that it would be a misfortune to the children to be allowed to continue under the control and training of their mother, and that we should by preference place them under the control of a man who describes himself,apparently with justice, as a thorough blackguard, who does not want to be anything else; and who says his mode of life suits him. I do not see how my hon. friends can use such arguments in connection with such facts. I cannot see how hon. gentlemen can appeal to us against those children being retained by their mother, insisting that we shall thereby do them an injury, and that it will be to their advantage to be placed under the control of their father. I do not know by what process of reasoning they arrive at that conclusion, unless they have argued themselves into it, by pondering over texts which they find in law books, which are applicable only to cases entirely different from this. I do not see how they can imagine for a moment that it would be better for those children to be placed under their father's control, than under their mother's control. These are the considerations, not dealing with the minor points, which lead me to support this Bill. I shall certainly vote for it and I shall hope that it will be carried; but the fact that it is not carried, will not convince me that this woman is not entitled to get relief, that will free her and her children from the control of this man.

The House divided on the motion, which was adopted by the following vote :—

CONTENTS :

Hon. Messrs.

Abbott,	McKay,
Alexander,	McKindsey,
Allan (Speaker),	Macdonald (Midland),
Almon,	MacInnes (Burlington)
Archibald,	Merner,
Botsford,	Montgomery,
Cochrane,	Odell,
Ferrier,	Ogilvie,
Glasier,	Reesor,
Gowan,	Sanford,
Grant,	Schultz,
Haythorne,	Stevens,
Howlan,	Sutherland,
Leonard,	Turner,
McCallum,	Vidal,
McClelan,	Wark.—32.

NON-CONTENTS :

Hon. Messrs.

Armand,	Kaulbach,
Baillargeon,	McInnes (B. C.),
Bellerose,	McDonald (B.C.)
Bolduc,	Macfarlane,
Boucherville, de,	Power,
Casgrain,	Robitaille,
Chaffers,	Ross (de la Durantaye).
DeBlois,	
Dever,	Thibaudeau,
Dickey,	Trudel.—20.
Girard,	

HON. MR. OGILVIE moved the third reading of the bill presently.

HON. MR. DICKEY—I should like to know whether that step can be taken under the rule or practice of the Senate ?

HON. MR. VIDAL—It is our invariable practice to move the third reading of a bill after the adoption of a report.

HON. MR. DICKEY—Where there is no opposition.

HON. MR. KAULBACH — Objection is taken now, and I ask that the objection of the hon. gentleman from Amherst be noticed.

HON. MR. VIDAL—I contend that the moving of the third reading at this stage is not a separate stage of the bill.

HON. MR. SPEAKER—As I understand the rule of order, the third reading of a bill, after the adoption of a report, is not another stage of the bill and may therefore be proceeded with.

The motion was agreed to, on a division, and the bill was read the third time and passed.

HON. MR. ALMON—I should like to call the attention of the House, before this Bill is sent down to the Commons, to the backward state of the printing of the official reports of our debates. The report of the debate on the fisheries treaty has not yet been published, and I should like, before this bill is sent to the House of Commons, that the able speech made by the leader of the House, which so completely swept away the sophistries of those gentlemen who are opposed to the Bill, should be in the hands of the other House before taking the Bill into consideration. Unless this is done the effect of the hon. gentleman's reasoning and his able exposition of the case will be entirely thrown away.

HON. MR. KAULBACH—The hon. gentleman is entirely out of order in making such remarks. He has no right to cast such reflections on the speeches of gentlemen who have opposed this measure, and if he is not in order, I would move that his remarks be expunged from the records of the House. I think it is, to say the least, a piece of indiscretion on his part. My hon. friend is given to such indiscretions in this House, and I say it is not fair when a gentleman here expresses his honest convictions on any subject, that because the leader of the House should take an extreme view on the other side of the question, the remarks of every other gentleman opposed to him should be stigmatized as sophistries.

HON. GENTLEMEN—Order, order.

HON. MR. KAULBACH—I say the hon. gentleman took an extreme view of the case when he said, regardless of whether the petitioner was justified in leaving her husband or not, that we should take into consideration the subsequent acts of the respondent.

THIRD READING.

Bill (39) "An Act to amend the Revised Statutes of Canada, chapter 97, respecting Ferries." (Mr. Abbott).

MORRISON DIVORCE BILL.

THIRD READING.

The Order of the day being called for the consideration of the report of the Select Committee on Divorce, to whom was referred the Bill intitutled "An Act for the relief of Catherine Morrison,"

HON. MR. MCKINDSEY moved that the report be adopted.

He said—The evidence in this case has only been published and distributed about an hour ago. I may say it is a clear case, because the evidence shows, by the exemplification of proceedings in the criminal court, that the respondent is now serving out a term in the penitentiary for bigamy.

HON. MR. KAULBACH—Were I not a member of the committee who made that report, and the Committee were unanimous, I should certainly object to the adoption of the report without an opportunity being afforded to members to read the evidence. As the Committee were unanimous in their finding, I shall not raise the objection.

The motion was agreed to on a division.

HON. MR. MCKINDSEY moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

SECOND READING.

Bill (45), "An Act respecting the Ontario and Quebec Railway Company."—(Mr. McKindsey.)

THE IRVING DIVORCE BILL.

THIRD READING.

The Order of the Day being read for the consideration of the report of the Select Committee on divorce, to whom was referred Bill (I), "An Act for the Relief of Andrew Maxwell Irving,"

HON. MR. MACDONALD (Midland) moved that the report be adopted.

HON. MR. OGILVIE—Is the evidence printed?

HON. MR. MACDONALD—The evidence is printed and in the hands of members and it bears upon it all the marks of credibility. The respondent makes no defence. She has gone away with a man for whom she abandoned her husband and child, and if the House believes the evidence we have but one course, to find for the petitioner.

HON. MR. VIDAL—Was the report of the Committee unanimous?

HON. MR. MACDONALD—It was the unanimous finding of the Committee.

The motion was agreed to on a division.

HON. MR. MACDONALD (Midland) moved that the Bill be read the third time.

The motion was agreed to and the Bill was read the third time and passed.

THE UPPER OTTAWA IMPROVEMENT COMPANY'S BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (20) "An Act relating to the Upper Ottawa Improvement Company."

He said—I think there is a very general misconception as to the true intent of this bill. Some hon. gentlemen seem to be under the impression that this is a principle which, for the first time, is brought under the notice of Parliament. The Company seeking some amendments to its charter was incorporated about 26 years ago. Before Confederation there was an Act passed in the old Parliament of Canada which authorized the

formation of companies for the improvement of various streams down which timber was brought. Under that Act this company obtained a charter. They had authority for making improvements on the Ottawa River, for a distance of 150 miles above the City of Ottawa, to what is known as the Des Joachim Rapids. In 1875 they came to Parliament for some amendments to their charter and for the confirmation of their Act. That was granted, and the following year they came to Parliament for amendments, which were also granted. No opposition was ever made to this company, and I was not aware that there was any feeling against it on the part of those who used the Ottawa River, or in the Ottawa district. The object of the present amendments is to give the company authority to carry their operations some distance further up the river.

HON. MR. POWER—How far up?

HON. MR. SCOTT—About 150 miles above the Des Joachim Rapids to the head of Lake Temiscamingue. Hon. gentlemen will remember that the logs coming down the Ottawa River number nearly three millions. Last year, speaking by the book, it was 2,945,547. Those logs have to be brought down. This industry is the second in importance in the Dominion. The products of the forest rank after the products of the farm, and therefore it is necessary that these logs should, at all events, be brought to points where they are converted into a merchantable article—the sawn lumber, and if anybody can suggest any better mode of bringing those logs down the river I shall be exceedingly glad, and the company in whose interests I am promoting this bill will be glad to have it proposed to them. The bill asks authority to make these improvements, for this increased distance. Twenty years ago, when the charter was first obtained, very few logs came from the upper tributaries of the Ottawa. The logs were got nearer this place than they now are, but as the limits lower down were exhausted the lumbermen were obliged to procure their logs higher up, and that is why they come here to ask for this legislation. The corporation is a co-operative one. Their object is not to make money out of the work they do, because everybody's logs is charged an equal rate. The members of this corporation have no special privileges, nor are they allowed to fix their own tariff. That is fixed by the Governor in Council. As their operations increase, the rate per log diminishes, because they are not permitted to charge more than will produce a certain dividend. Now the rate per log last year—the rate for bringing logs down to the mills, was one and five-eights cents. The rate charged where the Government works exist was very much higher. In that long reach of 300 miles I am advised that there are but two improvements that the Government of Canada have constructed. For one of the booms at the Chenaux, I believe the charge is three-quarters of a cent—about one-half of the charge imposed by this company for bringing the logs down three hundred miles, although they have twenty booms—so that hon. gentlemen will see the object is not to make money out of the investment, but rather to facilitate the floating of the logs with the least inconvenience to those living on the banks and using the navigation of the river. I feel it necessary to go into these details because several gentlemen have informed me that they understood there was a considerable objection to this Bill. It was urged that these lumbermen were assuming the sovereignty of the river. It is an extreme expression to use. They are necessarily bringing down their logs but in doing so they are not interfering either with the navigation or with riparian proprietors. The booms are not strung across the river at navigable points. They are so arranged that they gather the logs at the foot of the rapids and then there are guide booms to bring the logs down the stream. As said before, the only works that the Government own are at the two points I indicated—one near the City of Ottawa and the other at the Chenaux higher up—and for these the logs are specially taxed. A return was moved for recently and brought down to this House which shows that a considerable expenditure was incurred before Confederation on these works—an expenditure of $270,-

000. These works have been a source of revenue to the Dominion. Last year, the tolls collected on them amounted to $75,518—that is, on the Ottawa River and its tributaries: I am reading from the last report of the Minister of Public Works. These works are constructed for the square timber trade alone. The logs are not brought down the slides, but down the main channel of the river, and collected at various points and guided to where they are being used. There are no petitions against this Bill. Surely, if there was any decided opposition to it, we would have seen it manifested in the ordinary way, either by the people along the banks of the river, or by the steamboat owners. It is very unusual that a private bill that is opposed is resisted, unless there is some outside interest that is attacked and affected by it. I am informed, and I believe correctly informed, that nineteen-twentieths, probably the whole of the men in the log trade are in favor of this Bill. The gentlemen who form the association own themselves probably two-thirds of all the logs coming down the river—that is, they probably own two millions of the three million logs brought down. The manufacturers who own the other million are anxious that this bill should pass, because in no other way can their logs be brought down than by co-operative arrangement. You can understand that where there are fifteen or twenty owners the logs must necessarily get mixed up. It is quite impossible that they can be kept apart in descending the river. They must go together, and therefore it is infinitely cheaper, and better, and more convenient for the public, that some system should be adopted. Now, what is the system adopted by this corporation? Wherever steamboats can ply the logs are put in bands and towed. Where they come to rapids, the logs are of course sent down by the current and are then gathered at the foot and formed again into bands and towed by a steamer, if it happens to be a reach where navigation prevails. For 150 miles up the river this company brings down the logs. For the 150 miles above the Des Joachims Rapids to the head of Lake Temiscamingue a contractor does it. It cannot be done by the people who are directly interested because it is quite impossible that 15 or 20 different persons can take charge of those logs and so each individual owner who is getting out the logs has to form a contract with some particular person, who will take charge of it. This Bill is simply to give to the company the power that is now exercised by the one individual. They do it cheaper and with less inconvenience to the public. If there is any substantial opposition that can be offered to the Bill, of course when it goes before the Committee it will be quite time enough to meet the allegations made against it, but it involves no new principle—the company has been in existence for 20 years and I have not heard that it has encroached on anybody's rights or privileges.

HON. MR. CLEMOW—I regret exceedingly that I have to join issue with my confrere respecting the provisions of this bill. It is true, as he states, that the act of incorporation was granted to this Upper Ottawa Improvement Company several years ago, in a limited form. These acts have expired, and the object of this bill is, in a very great measure, to revive them. It is true, as the hon. gentleman stated, that parties made improvements some years ago, but at the same time I will inform the House that the Government expended a very large amount of money for the improvement of the Ottawa River. They expended prior to confederation $370,062.85 and on the Madawaska $104,073.49. It is the intention of this Company, if they succeed in getting this bill, to apply to the Government that these works, on which so large an amount of money has been expended, shall be transferred to them without any consideration.

HON. MR. SCOTT—The Governmust be very weak.

HON. MR. CLEMOW—I will read the application:—

To the Hon. Sir Hector Langevin:

SIR,—The undersigned lumbermen have the honor to inform you that in connection with others they have applied to the Government of Ontario for letters patent to incorporate a company to be called "the Madawaska Improvement Company," for the

purpose of acquiring and constructing booms piers and slides on the Madawaska river, to facilitate the transmission of timber and logs from Madawaska river in order properly to effectuate the purposes for which the said company is to be formed; it has been deemed necessary for the said company to acquire and operate the following works upon the Madawaska river:

Chain Rapids slide, High Falls slide, Calabogie booms, Springtown boom, Arnprior slide, and different dams, piers, &c., between Chain Rapids and junction of the Madawaska with the Ottawa independent of these names.

We therefore most respectfully request that the government will be pleased to cause the said works to be transferrd to the said company upon such terms and conditions as to tolls to be chargeable by the said company as may be deemed proper and just.

We have the honor to be,
Your obedient servants,
(Signed) J. R. Booth, Perley & Pattee, Bronson & Weston, The E. B. Eddy Manufacturing Company, limited.
(Signed), E. B. Eddy, President.
Ottawa, Dec. 3, 1887.

Hon. Mr. SCOTT—That is not this Company.

Hon. Mr. CLEMOW—That is the Ottawa Improvment Company. Here is another one:—

Upper Ottawa Improvement Co., Office Chaudiere, Ottawa, Dec, 2, 1887.

To the Hon. Sir Hector Langevin,
Minister of Public Works.

Sir: I am directed by the president and directors of the Upper Ottawa Improvement company to apply on their behalf for a transfer of the following works constructed by the government namely:

Cheneaux boom, including trip boom at head of Cheneaux Rapids.

Boom in Chats Lake, at mouth of Madawaska River, known as the Arnprior boom and saw-log slide, at Hull.

The company are desirous of working and operating such works in connection with their own works upon the Ottawa River, and as a condition of such transfer to them will be willing to abide by and obey such rules and regulations as may be, from time to time, imposed by the Government.

I have the honor to be
Your obedient Servant.
[Signed] E. B. Greene,
Secretary.

It shows that the intention of these parties is to obtain a perfect and complete monopoly of the entire Ottawa river. I object to that upon principle. I admit that their business is an important one, but I maintain that the interests of the great public far exceed those of private individuals, and on that ground I am perfectly justified in opposing this Bill. It is a very extraordinary thing that these gentlemen have allowed the Government to expend this large amount of money, extending over such a long period of time, and have never thought proper to call upon the Government until now to relieve them from what they considered, I suppose, were works that did not repay them upon the investment. But instead of that, I say it is the only work constructed by the Government that has given a fair return. It has paid, over and above the expenses and the annual cost for improvements, a dividend of six per cent. I did ask, the other day, for a return and the Government I am sorry to say made only a partial return. I should like to have a full return to prove what I say. This work has been a remunerative work for the Government and I do not think they should divest themselves of it. The Government require all the revenue they can get, and if there is any money to be made from these works the public should have the benefit of it.

Hon. Mr. POWER—The Government want it for the Chignecto Marine Railway.

Hon. Mr. CLEMOW—The bill, as it was introduced, was really to confer expropriation powers upon this Company. If it had passed in that shape it would have been impossible for a man to own a steamboat on the river, because the moment he had constructed a wharf they would expropriate it.

Hon. Mr. OGILVIE—That is all gone now; there is no use talking about it.

Hon. Mr. CLEMOW—I believe some provisions of this Bill revive powers of the old act, and these expropriation powers will be revived with them. This bill should go before the Committee because, in its present shape, it confers extraordinary powers—powers which this House cannot grant. The company require not only the river, but all the

islands in the river over which this Dominion Government have no jurisdiction at all. It will require a great change in the measure before it can be operative in that respect. This company should have no power to monopolize the great Ottawa River. I hope I will see the day when the Ottawa will be required for canal purposes, but if you allow any persons to get possession of it you will have great difficulty in dispossessing them. The bill says, of course, that the Government can take possession of those works on fair compensation being paid for them. We all know what that means. When we constructed the waterworks in this city we had very great difficulty in getting possession of the necessary grounds, because the place was monopolized by some of these gentlemen. It is well that the House should be informed of these facts and take all of them into consideration, when the bill comes up before the Committee, that they may weigh well the consequences that will ensue from giving these powers to the company. If this can be done on the Ottawa, the same may be done on the St. Lawrence, or any other navigable river in the country. I do not think it is a principle which should prevail in a country like this. I do not want to throw difficulties in the way of this great trade, but I want to preserve and keep intact the rights of the great public. That is why I take exception to the Bill now introduced, and I am prepared to show to the Committee that I am correct in the assertions I make this evening. I thought it my duty to lay before the House my statement of the facts in the matter, and ask the House whether it is safe to give those parties such great powers, no matter how wealthy and influential they may be. However large their interests may be, we have a duty to perform towards the public. These gentlemen may be well disposed, but we cannot say how long they may be with us; they may be off to-morrow and replaced by others of whom we know nothing. We should take every precaution to keep the public highways of this country under the control of the Government. The Government have been willing, at all times, to make necessary improvements for this great trade. When these gentlemen could not do it themselves, they called upon the Government, and now when they find these works are remunerative, they are anxious to get possession of them for nothing at all. I know gentlemen in this House connected with the trade who are willing to repay the Government the entire cost of those works to get possession of them, as a mere mattter of speculation, and therefore it is asking too much to have these works transferred to this Company for nothing at all. This is a plain statement of facts, and the hon. gentleman knows them as well as I do, but I suppose he wants to make a good case for the Bill which he has taken charge of. If he were to tell you what he believes he would state pretty nearly what I have said on this occasion. However, let that be as it may, I say we ought to well consider the provisions of this bill, and if they are as I have stated, we ought to pause before placing such powers in the hands of any body of gentlemen of this country.

HON. MR. OGILVIE—The hon. gentleman takes an extraordinary position to pretend to stop the bill at the present stage. I have no doubt the members of the Senate, and certainly the members of the government, will feel extremely grateful, to the hon. gentleman for the care he has taken of them. It is evident, from his remarks, that he thinks they will not be able to take care of themselves—that they are such a pack of imbeciles, that they are going to throw away valuable property. Surely the best way to deal with this bill is to send it to the committee. Although I am not a lumberman, I have built a good many dams in my life and have been about mills for many years, and from all I am told about this bill by parties interested in its passage, it is one of the best measure ever brought before this House in the interest of the great lumbering industry. What appears to me most astonishing is the opposition of the hon. gentleman at the present stage. The Bill was fought hard in the other House. A sub-committee was appointed, and the Bill was remodelled, until it appeared in its present shape, and everybody was satisfied, so far as I know, except the

hon. gentleman from Ottawa (Mr. Clemow.) I think the best way is to let the Bill go to the Committee, and its details can be discussed there.

HON. MR. KAULBACH—The hon. gentleman made no objection to the Bill going before the Committee. At the same time, if what he states is true, we should throw it out of the House at once.

HON. MR. CLEMOW—I merely read what those parties expected the Government to do. I expressed no opinion as to whether the Government would accede to their request or not: I merely spoke of their demand upon the Government.

HON. MR. TRUDEL—I understand that there is a very strong objection to the principle of this bill, and there are some hon. gentlemen who intend to oppose it at the second reading. If the information we have received is well founded, this bill should not pass even the second reading. I do not intend to oppose it now, but I wish it understood that if the bill is read the second time to-night we are not thereby committed to the principle of it, but will be at liberty to oppose it at any stage.

The motion was agreed, to and the Bill was read the second time.

DOMINION LANDS ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (L), "An Act further to amend the Dominion Lands Act."

He said: A sum of £12,000 sterling has been collected for the purpose of settling families of Crofters in the North-West, and the object of this Bill is to establish a board for the administration of the fund. If this experiment succeeds, the matter will be carried further, more money will be subscribed and more of these Crofters and Cotters will be settled in the country.

HON. MR. DEBOUCHERVILLE—We have no right in this House to appropriate money; the Bill should originate in the Commons.

HON. MR. ABBOTT—The money is subscribed altogether by private individuals.

The motion was agreed to and the Bill was read the second time at length at the Table.

HON. MR. ABBOTT moved that the Bill be read the third time presently.

HON. MR. POWER—Before the third reading the Minister should explain to us more fully what its object is, in order that we may know exactly what we are doing.

HON. MR. ABBOTT—This Bill simply provides, as the House will have heard, that the board is to have the powers which are conferred upon other companies under section 44 of chap. 54 of the Revised Statutes of Canada. That section, with a number of sub-sections, was formed for the express purpose of enabling persons who are willing to assist emigration into the North West to secure their money in such a way that thay will get it back again, some way or other, under the supervision of the Government. It is done by the preliminary project being submitted to the Minister of the Interior, showing exactly how the transaction is to be carried out, what precautions are to be taken and what title is to be granted. This, after being sanctioned and authorized by the Minister of the Interior, may be carried out; or the Minister may refuse to sanction it if he chooses, and then it falls to the ground. The sub-sections are partly for the protection of the settler and partly for the protection of those who advance the money. They protect the settler against imposition and provide that the money shall be expended in actually settling him on the lands, instead of being squandered in any way. Under the supervision of the Government agent the advances are charged on the land. If the settler abandons the land, the person who has advanced the money may complete the settlement and get the

land. This Board is to consist of three members, one to be named by the persons who subscribe the money, one by the Government and one by the Canadian Pacific Railway Company. It is in the interest of the country and of the railway company that such settlement may be facilitated, and they have agreed to nominate persons who will constitute this little Board and manage this money. The Board will submit its plan to the Government, and the Minister of the Interior will decide whether it shall be approved or not. If he approves of it, the settlement will be carried out under this section of the law.

HON. MR. POWER—Does not the Minister think that the Government of the territory where the settlement is to be should have something to say about this Board?

HON. MR. ABBOTT—I think not. The lands belong to the Dominion Government and the money is subscribed by private individuals. This is not a matter in which the Local Government is directly interested.

HON. MR. GIRARD—If I understand rightly, this is a benevolent society. A certain amount of money has been subscribed for the purpose of settling those crofters in the North-West. The power asked for is the same as is granted to colonization societies already in existence in the North-West Territories, and which have been incorporated for the purpose of speculation. We have in this case a guarantee that does not exist in the case of an ordinary colonization society. These are benevolent people who have subscribed money, and in order to expend it in the best way, come here and ask for certain powers to enable them to carry out their benevolent object.

HON. MR. ABBOTT—Yes.

HON. MR. GIRARD—Then the bill should be adopted at once to enable these people to settle the crofters in the North-West Territories. It is for the benefit of the whole Dominion that this legislation should be had as soon as possible,

HON. MR. POWER—Supposing these people were to settle in the Province of Manitoba, the provincial government would have a very considerable interest in the matter.

HON. MR. GIRARD—They are to settle in the North-West Territories.

HON. MR. POWER—Well, no matter where they settle; the settlement of the public lands is something in which the local government is deeply interested. My opinion is that the officers of the local government, whether in Manitoba or in any of the North-West Territories, would see that the work was carried on properly better, perhaps, than the officers of the Dominion government could.

HON. MR. ABBOTT—This is to carry out an arrangement which has been made. These gentlemen in England are willing to advance £12,000 if they can have this little board constituted to take charge of the fund.

HON. MR. SUTHERLAND—There is a considerable amount of land in Manitoba that belongs to the Dominion Government, and I should think these settlers would prefer to settle there.

HON. MR. ABBOTT—This Bill applies to the lands of the Dominion Government, whether in Manitoba or in the Territories.

The motion was agreed to and the bill was read the third time and passed.

PRIVATE BILLS.

TIME EXTENDED.

HON. MR. ABBOTT—The time fixed for the reception of Private Bills expires to-day, and as there are several private bills before the Private Bills Committee, I move that the time for receiving them be extended for ten days.

HON. MR. DEBOUCHERVILLE—Why not strike out that rule altogether?

The motion was agreed to.

BILLS INTRODUCED.

Bill (10), "An Act to amend the Canada Temperance Act."—(Mr. Vidal.)

Bill (6), "An Act in amendment of the Canada Temperance Act."—(Mr. McKindsey.)

The Senate adjourned at 11 o'clock.

THE SENATE

Ottawa, Friday, May 11th, 1888.

THE SPEAKER took the chair at 3 o'clock p.m.

Prayers and routine proceedings.

THIRD READINGS.

HON. MR. DICKEY from the Committee on Railways, Telegraphs and Harbors, reported the following Bills without amendment, and they were then read the third time and passed :—

Bill (102) "An Act respecting the Central Ontario Railway." (Mr. Read).

Bill (45) "An Act respecting the Ontario and Quebec Railway Company." (Mr. McKindsey).

UPPER OTTAWA IMPROVEMENT COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (20) "An Act relating to the Upper Ottawa Improvement Company," without amendment.

HON. MR. SCOTT moved that the Bill be read the third time presently.

HON. MR. CLEMOW—I do not intend to dwell at any length on this Bill. I have performed my duty by trying to convince this House that the principle of the Bill is a vicious one. I shall therefore content myself by moving that the Bill be not now read the third time, but that it be referred back to the Committee for the purpose of making the following amendment :

Page 1, line 25.—Leave out the word "obtain" and after "first" insert "give notice by advertisement for one month in the *Canada Gazette* and in a newspaper published in the county in which such point is situated, of their intention to apply for."

Page 1, line 28—After "and" insert "having obtained such approval."

These are very necessary improvements, and I am surprised that the Committee did not agree to them. I wish to have the opinion of this House as to the amendment which I now offer.

HON. MR. SCOTT—Under the rules of the House I believe it is perfectly competent to move the third reading of the Bill, the Committee having made no change whatever in it. Therefore it would not be in order, if exception is taken, to move any amendment now of which notice has not been given. The hon. gentleman can test the sense of the House by simply moving the six month's hoist, but in no other way can he get an expression now.

HON. MR. POWER—I cannot concur in that view of the matter. The hon. member who proposes to move this amendment has had no other opportunity to offer it. Strictly speaking, I think when the Committee's report comes here, it should remain a day before it is adopted and before the third reading of the Bill. But if the hon. gentleman who has the amendment in hand is willing to waive that delay, it would be most unfair to say that he should not have the chance to test the sense of the House on his amendment. He does not move

against the whole Bill, but simply wishes to make this change; and it would be an abuse of the procedure of the House if an attempt were made to shut him out from offering the amendment now. There is no rule to prevent his moving the amendment.

HON. MR. DICKEY—On the point, whether this amendment can be moved, I think there is no doubt whatever that the hon. gentleman cannot do so now—that he must give a day's notice.

HON. MR. POWER—Then the bill cannot be read the third time without a day's notice.

HON. MR. DICKEY—That point was settled the other day. I raised it for that express purpose—not that I have any doubt about it myself—and his honor ruled that when a private bill had passed through the committee without amendment it could be read the third time and passed without further notice.

HON. MR. MILLER—I do not agree with my hon. friend from Halifax that in the case of a bill in the custody of the House, it is not quite competent to move, as has been done in this case, the third reading of the bill. It is now in the custody of the House and the House can do anything with it that is not contrary to the rules. There is no rule which says that a bill which has been reported from a committee without amendment shall not be read without further notice. Still I must say, so far as my experience extends, that I do not know an instance where a gentleman, intending in good faith to move an amendment to a bill, has been refused an opportunity of doing so. The custom has been to postpone the third reading of the bill for a day or two to permit of an amendment being made. It would be unwise to take any other course than the one which we have been pursuing in this House for some years. Whether I favored or opposed a Bill, I would not sanction, so far as my vote would go, so arbitrary a proceeding as to refuse a gentleman, who had an amendment to move, an opportunity to test the sense of the House upon it.

HON. MR. ALEXANDER—The position I took upon that Committee was that the Government ought to carry out that great improvement, but if the House will not sustain me in making the Government carry it out, why should we throw obstacles in the way of the company who now desire to put their capital into it, to the extent of $250,000, and where the Bill is so carefully worded?

HON. MR. HOWLAN—The question before the House is an amendment which is proposed by the hon. member from Ottawa.

HON. MR. ALEXANDER—There can be no objection, I should think, to postponing the third reading until Monday to enable him to move his amendment.

HON. MR. BOTSFORD—I fully concur in the views of the hon. gentleman from Richmond on this question. Where a Bill is reported from a Committee without amendments and an hon. member wishes to move an amendment, either the third reading of the Bill ought to be deferred to a future day or the hon. member ought to have an opportunity to move his amendment by consent. If the hon. gentlemen who favor this bill are not disposed to permit the hon. member from Ottawa to move his amendment, I think the third reading ought to be postponed until Monday.

THE SPEAKER—It is laid down here, I think, very clearly that no important amendment shall be made at the third reading of a private bill unless one day's notice is given, and I think it is equally clear that a general rule guides the House in the consideration of private bills—that is, to interfere as little as possible with the decision of a committee which has had opportunity of considering the whole question. It would seem quite clear that a day's notice should be given on an amendment before the third reading of the Bill. On the other hand, it must

be apparent that there has been no opportunity of doing anything of the kind when the Bill is reported without amendment, and the Bill therefore is in a position to be read without delay. I presume it would rest with the House to say whether they would give the hon. gentleman an opportunity by deferring the third reading and give proper notice of its amendment.

HON. MR. HOWLAN—I do not think there is any discretion in the House: it is an iron-clad rule. The consent of the House, it has been decided, means the whole House. To open the door to this sort of legislation would be a very improper step, in my judgment. The Bill has been read the first and second time, and has been reported from the Committee without amendment, and now it is proposed to move an amendment at the third reading. That is clearly out of order. There is not a case in the records of this Parliament of an amendment being moved at the third reading of a private Bill without previous notice. If the House is willing to delay the third reading of the Bill so as to give an opportunity of moving the amendment, well and good, but I for one, if I stand alone, shall object to permitting an important amendment to be made to a private Bill at the third reading without previous notice.

HON. MR. SCOTT—I always desire to defer to the wishes of the House, even if the rules were to sustain me in taking a stand, but I do not feel like assuming the responsibility of having any change made in this Bill at the present late stage of the session. We all know the effect of an alteration even of a word: we all know how it may imperil the fate of a Bill in the other House. The Bill was before the Commons for a month and was stoutly opposed. If it goes back again with an amendment I do not know if we shall ever see it again this session. I do not think it would be fair to the Company to do anything of the kind. The amendment relates to the internal economy of the bill itself.

HON. MR. POWER—No.

HON. MR. SCOTT—It is in reference to the meetings of shareholders.

HON. MR. CLEMOW—No.

HON. MR. SCOTT—The original bill asked for powers of expropriation. Those powers were refused. The Company were told that if they wanted to acquire lands they must purchase them in the same way as any private individual would. Now one of these proposed amendments requires that notice shall be given of such points as it is the intention of the Company to apply to connect their booms with. I do no think that is a matter of such importance that this House ought to interfere to delay the bill, for the reason that they cannot acquire any property except they buy it from the owner at any price that he may choose to sell it for. This Government is charged with the special duty of allotting where those booms shall be strung, so that every precaution is taken to protect the public interests. No doubt, as the Bill was submitted originally, it was very objectionable and those expropriation clauses caused a good deal of opposition, but as those clauses have been expunged it does not trench on the public rights, and as the Government have power to fix where the booms shall be, or to order them to be removed, I do not see the necessity for this amendment. If the hon. gentleman desires to press the amendment, I would rather take it now than have the third reading of the Bill postponed. The Committee have considered it and by a very large vote were not proposed to entertain it. The effect of any amendment of the kind would be simply to jeopardize the Bill. I will not press my objection, but I am willing to let the vote be taken on the amendment now.

HON. MR. MILLER—I would like to say one word with regard to what has fallen from the hon. gentleman from Alberton, as to the construction which is placed upon the rule and practice of parliament in reference to cases of this kind. I may say, as far as my own recollection and experience go, I never knew an instance where a request was made for the postponement of the consideration of a

bill because it was necessary to do so in order to move an amendment to it, to be resisted in this House. What would be the logical consequence if it were? A bill like this, reported to the House without an amendment, would not be capable of being attacked afterwards by the House, or amended, notwithstanding the fact that the opinion of two-thirds of the House might be in opposition to the opinion of the committee.

HON. MR. MCINNES (B. C.)—In the course of the hon. gentleman's long experience in this House, has he ever known a bill of this nature to be forced through its third reading when an hon. member inrerested for or against a bill asks that it be postponed to a future day for the purpose of moving an amendment?

HON. MR. MILLER—My memory cannot recall any such instance.

HON. MR. KAULBACH—At the time of the second reading of the Bill my hon. friend on my right, instead of discussing the principle of the measure, and taking up the time of the House when we are pressed with a large amount of business, gave notice that he would at this stage take up the question in the way he now proposes to do.

HON. MR. CLEMOW—It would be an extraordinary precedent to establish to say that a Bill, after it comes from a Committee, cannot be amended in this House. I remember the other day a report from a Committee was referred back and it was reversed at a subsequent meeting of a Committee. I should say that a report of a Committee is not the finding of the whole House, and although this amendment may not have been incorporated in the Bill by the Committee, the sense of the House may be in favor of it, and it is only common sense to say that, upon any question, we should be enabled to take the sense of the whole House if necessary. I think this is an important amendment to the Bill. I gave notice to the Committee to-day that I would move it in the House, as it was utterly impossible for me to comply with the rule requiring twenty-four hours notice. Therefore, I move that the Bill be recommitted for the purpose of taking his amendment into consideration.

HON. MR. HOWLAN—There is an ironclad rule of Parliament, that we cannot amend a bill at this stage, without giving twenty-four hours notice. If the hon. gentleman had given notice to the House, even verbally, that he intended to move the amendment at this stage, he would have the right to do so. But the Committee having thoroughly considered the measure, and having had before them the parties interested for and against it, came to the conclusion that the Bill was a legitimate and proper one, and it was so reported to the House. How would the hon. gentleman like, after all these stages had been taken on a Bill in which he himself had been interested, that an hon. gentleman should rise and move an amendment to it, without first giving notice, so as to put him in a position to combat the views on which the amendment was based? If the hon. gentleman gives 24 hours notice now, so as to allow of his amendment being considered, I should be perfectly satisfied.

HON. MR. CLEMOW—I am perfectly prepared to postpone it until Monday.

HON. MR. SCOTT—You had better move your amendment now, with the consent of the House.

HON. MR. CLEMOW—Then I move the amendment which I read to the House.

HON. MR. VIDAL—I think all our rules are designed for the purpose of guiding us to right decisions and doing justice; and I do think the objection taken by my hon. friend from Ottawa as to the way in which it was first proposed to deal with this Bill were very valid objections. His proposition, in fact, amounts simply to an appeal from the decision of the Committee to the House. Should not any hon. gentleman have that privilege? I think it would have been wrong to shut him out. I would like to say to the House, being a member of the Committee, that this matter

was brought before us, and very thoroughly discussed, and that the Committee, by a decided majority, took the Bill as it was and rejected this amendment, because they considered that the very object which the hon. gentleman is desirous of securing by this amendment was already secured in the Bill. His amendment is that any of the proposed works of the company shall not be commenced without notice to the public, and after it has received the sanction of the Governor-in-Council. We all know that the approval of the Governor-in-Council before the commencement of such work is necessary for the protection of the navigation, and we all know that before any such privilege is granted to this company there will be a careful examination by some competent person, and a report in favor of it before the approval will be given. I hold that there is ample security that this shall be done, and the mere insertion of a notice in the *Canada Gazette* and in a county newspaper is unnecessary. The only effect of this amendment would be, if it were made, to jeopardize the passage of the Bill at this stage of the session.

HON. MR. POWER—I do not think there is the slightest danger that if this amendment is made the bill will in any way be jeopardized. There is a certain time in the other House for doing just such work as this; and as Parliament will not prorogue for some days, there is no danger of the bill being jeopardized. I regret that on this, as on many other occasions, I cannot see with the same eyes as the hon. gentleman from Sarnia. The clause which this proposes to amend is one which provides as follows:—

"The Company shall, at whatever point on the shores of the Ottawa River or islands in the said river they determine it necessary to attach the said booms or construct the said dams, wharves, piers or slides, first obtain the formal approval of the Governor-in-Council of their selection of such point or points, and of the locations of the said booms, dams, wharves, piers or slides, and may then acquire by purchase at each of such points a parcel of land suitable for their purpose."

Now the jurisdiction of this Company extends for some three hundred miles up the Ottawa River—one of the most important rivers in Canada, a river which is becoming more important as time goes on—and on which I think that within a few years there will be a very considerable amount of traffic and navigation.

HON. MR. ALEXANDER—Only for timber.

HON. MR. POWER—This clause provides that the Company shall be allowed to attach booms, build wharves, piers, etc. etc., upon first getting the approval of the Governor in Council. The amendment of the hon. gentleman from the Rideau Division is to the effect that before geting the approval of the Governor-in-Council the company should advertise in the *Canada Gazette* and in a newspaper of the county where they propose to construct the work. The object of that is simply to give notice to the people who live on the Ottawa, in the neighborhood of the proposed works, and to the public at large, as to where the company propose to erect their works. It is all very well for the hon. gentleman to say that the Governor-in-Council will amply consider it. But they are not presumed to be acquainted with the wants of all the population of that three hundred miles on the Ottawa River. We know very well that, even in much better known regions than that, the Governor-in-Council do things which they would not do if they were better informed. If this company propose to attach a boom or erect a wharf or other structure in a place that would be inconvenient to the people of the district, then the people should have an opportunity of coming before the Governor-in-Council and representing their view of the proposal. It will cause a delay of only one month to advertise it in the newspapers, and it is not an unreasonable requirement, and I hope the House will grant it in the interest of the public.

HON. MR. DICKEY—It will be seen that this amendment is not only unnecessary but it is uncalled for. The section itself sufficiently protects the owners of property, because before the company can construct the said booms, wharves or piers they have first to obtain the

formal approval of the Governor in Council as to the location, and why? Because the Governor in Council, representing the public, must be consulted to protect the navigation of the river from being interfered with. It may be said that these works are to be put upon lands. But that is provided for also because it says the company may then acquire the right. How? "By purchase." They can only acquire the land by consent of the proprietor of the land, and by purchase. Then where is the necessity for publication of the notice in the newpapers when this thing can only be done by the consent of the proprietor of the land? What authority is there to protect the navigation more fitting than the Governor in Council? The company cannot take a step any way that will interfere with the navigation by means of booms or slides, without first having the sanction of the Governor in Council. What more protection could be given to the public and the proprietors of the land than that provided by the section itself?

HON. MR. ALEXANDER—Everyone who desires to see the upper Ottawa improved to enable the lumbermen to get their timber to Montreal and Quebec, will oppose this trivial amendment, because it will necessitate the Bill going again to the House of Commons, and might imperil its passage. It has been announced that the Governor General is going to prorogue Parliament on Saturday week, and it is self-evident that it would simply be imperilling the Bill to send it back to the House of Commons with this amendment.

HON. MR. KAULBACH—I cannot see any objection to the amendment of my hon. friend. This is certainly a large river and of great importance to the public. I might be influenced in opposing the third reading presently, if this was the last day or two of the session, and to refuse any delay to consider this amendment; but this being a matter of such great importance in the public interest, that the public should have notice of every structure to be erected upon the river by this company, I think this amendment should be adopted. The public may not know what the company are doing if they only get the consent of the Governor in Council before commencing any of their works. It is true the Goverment may send an engineer to inspect and report upon the proposed work, but he may be an officer who will not consider it in the public interest. I think, in the interest of the Government themselves, they should have the public support in any arrangement which they may sanction for the constructing of works on that river.

HON. MR. ABBOTT—I do not propose to interfere in the discussion between the hon. gentlemen connected with the Otrawa River business, but as the remarks which have been made seem to reflect on the Government for not having taken proper precautions in the House of Commons to protect the public interest, I merely rise to show that they have. The fact is that the bill has been very much amended, mainly at the instance of the Government in the House of Commons. Here is a clause in point:

> 21. Whenever it is found expedient in the public interest that any portions of the Company's works should be removed from the Ottawa River, the Governor in Council may by order direct that such portion of the works be removed from the river; and the Company shall forwith remove such works indicated in the said order, without any compensation whatever.

In case, therefore, an order is obtained, into which the Governor in Council has been surprised, and the order has been improperly given, the moment it is discovered that something has been done that interferes with the public interest in the navigation of the river the Government can order it to be taken away without compensation.

HON. MR. CLEMOW—I do not for a moment say that the Government have not taken all the precautions they could to protect the public interest. I am prepared to admit that the bill, as it stands now, is much better than it was when originally introduced. When it was first brought before Parliament it was monstrous in its character and I believe that the Government wil agree with me that the public should

have notification by advertisement through the press of what the Company propose to do and that it is better even for the Government themselves than to take information of it from persons who are not living in the locality. What harm can be done in requiring notice to be given? I have not heard one member say that there is anything wrong in it except that it may imperil the passage of the Bill this session. I am not responsible for that. Those gentlemen should have brought in their Bill at an earlier period of the session. If the amendment I propose is right, then hon. gentlemen in this House should support it. If it is not right then they should oppose it. For my part I am in favor of giving every publicity to any act that this company propose to do in the interests of the public. The Government may send an engineer to examine the localities and make plans and profiles and deposit them in the Department, but the people will not go there to examine. The fact is, they will not know that the plans are there; but if it is advertised in the county paper that the company propose to construct such and such works, then the company will know what is their intention, and if they have any objection to it they can bring the matter before the notice of the Governor-in-Council, and if they neglect to do so, the Government is not to blame for any inconvenience that may thereafter arise. I think it is the true principle that public notice should be given through the press of all these proposed works, and then if the people do not look after their own interests the Government are not in a position to be censured.

The House divided on the amendment which was lost on the following division.

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The Bill was then read the third time and passed.

SIR DAVID MACPHERSON'S PORTRAIT.

HON. MR. ALEXANDER—Before the Orders of the Day are called, I desire to give the following notice of motion:

That he will call attention to an extraordinary painting of the Honorable Sir David Lewis Macpherson, placed in the corridors of the Senate, which is not calculated to increase the respect for him, while it is very damaging to the reputation of the Senate, permitting such an unseemly departure from the usual size of Speaker's portraits.

HON. MR. ABBOTT—I would call the attention of the hon. gentleman to the fact that that notice is entirely out of order. It makes a serious statement against a member of this House in a manner which is not permitted by the rules of the House.

HON. MR. MILLER—The motion is clearly out of order.

HON. MR. ALEXANDER—The placing of a notice on the paper is certainly not out of order. I have consulted the highest constitutional authorities on the subject.

HON. GENTLEMEN—Withdraw! withdraw!

HON. MR. ALEXANDER—The time to discuss whether a motion is out of order or not is when it comes up for discussion, and to prevent a member of

the House like myself from putting a notice on the paper is contrary to common sense. Who ever heard of such a precedent in House of Lords?

HON. MR. POWER—Probably no one ever saw such a notice in the House of Lords.

HON. MR. MILLER—The notice is clearly out of order. But, under any circumstances, even though it were not out of order, I think I would ask the House not to permit such a notice to go upon its minutes.

HON. MR. ALEXANDER—I will not withdraw it. I insist upon its going on the orders. It must go on the orders! It must go on the orders!!

THE SPEAKER—The motion of the hon. gentleman from Woodstock is clearly out of order. I see it laid down that the Speaker as well as the Leader of the House, has a right to call attention to notices being out of order to prevent such notices from going on the order paper.

HON. MR. ALEXANDER — God help the Senate. What is it coming to?

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

INQUIRY.

HON. MR. HAYTHORNE inquired

1st. Whether it is the intention of the government to build, or purchase, a steamship to be employed in the conveyance of mails and passengers in winter between the Province of Prince Edward Island and the mainland?

2nd. If so, whether he is in a position to afford information of a general character as the description of vessel it is intended to acquire, also as to the time when such vessel will be ready for service?

3rd. Whether the attention of the government, or of any of its officers, has been directed to a steam vessel recently constructed for the purpose of conveying railway trains across the Straits of Mackinac—in winter.

HON. MR. ABBOTT—I have to inform my hon. friend that I have to answer his question simply in the affirmative. The government of the day intend, and have already taken preliminary steps towards obtaining a new steamer to be employed in the conveyance of mails and passengers between the main shore and Prince Edward Island. With reference to the second question, they are not yet in a position definitely to describe this vessel, but they are getting the plans and specifications made for it. They expect to have it ready for this winter's service.

HON. MR. HAYTHORNE—Can the hon gentleman tell us of what material it is intended to construct this vessel?

HON. MR. ABBOTT—I have not got instructions from the Department, but can assure my hon. friend that I understand positively it is to be made of steel, calculated to withstand the contact with the ice.

HON. MR. HAYTHORNE—In reference to the third question, the hon. gentleman may have seen an account of a vessel constructed, I think at Detroit, to navigate the Straits of Mackinac, and not being acquainted with that locality, I have asked hon. gentlemen who are connected with it for information, and I am told that the service expected of that vessel is very similar to that required of a vessel running between Cape Tormentine and Cape Traverse. Should that Mackinac vessel perform the service for which she is built, it is highly probable that a similar vessel would be able to keep up a daily service across the Straits of Northumberland. No doubt it would be a desirable thing for the Government of Canada to keep track of the performances of these vessels, not because it is important that they should adopt vessels precisely of similar construction, but because it may ultimately enable the Government of the Dominion to carry out the conditions on which Prince Edward Island entered the Confederation—to keep open this communication by steam with the mainland.

HON. MR. ALEXANDER — The notice on the paper has been very properly put by the hon. member from

Prince Edward Island, because a solemn promise was made by the Government of Canada to the inhabitants of Prince Edward Island that they would ensure the regular transport of mails and passengers across the strait of Northumberland at all seasons. There has been a breach of faith, and the hon.gentleman is perfect ly right in bringing this matter up. If the Government give promises they are bound to use every effort to carry them into effect. The members of the Government ought to be men of honor, and if they are not, they will injure the reputation of the country.

HON. MR. HOWLAN—Speaking of this question of a steel vessel, I may say that in my capacity of Vice-Consul for Sweden and Norway, I learned from the Government that a steel ship had been built at Glasgow for the navigation of the Cattegat, and I wrote for a description of the vessel. It took time to get the necessary translations, and I have placed them in the hands of the Minister of Marine and Fisheries so as to have the matter looked into, and, if necessary, to have Captain McElhinny sent out to Norway to see what the performance of the vessel was. I got a report from a Captain of the Norwegian navy, as to what this vessel had accomplished. It is the first time that any but wooden ships have been used to make their way through ice. This ship is built of steel and has been able to perform wonderful work. Her construction is such that she can only be used for bringing mails and a very few passengers; there is no place for cargo. It was thought that with the knowledge and experience of Captain McElhinny,and also from the information that can be obtained from the Dundee sailors, who have the best models in the world of ships suited for sailling through ice, a good model of a ship might be secured for the service across the Straits of Northumberland. With regard to the vessel which crosses the Straits of Mackinac, I went on board the steamer myself to see how it worked and went over with the cars. The distance across is short, and the water is very smooth, and not at all like the water of the Strait of Northumberland, except in calm weather, and I am decidedly of opinion that no steamboat that I ever saw or am likely to see will be able to carry cars across our Straits in the fall of the year. The prevailing storms of wind are from the north-westward and from the north-east, and the shores of New Brunswick and Nova Scotia are so situated that these winds strike very strongly on them and would necessarily interfere with carrying cars successfully across the Straits in the fall of the year. I know at the present time some gentlemen believe that at the west cape of Prince Edward Island and Richibucto Head a distance of 18 or 20 miles, steamers could convey cars across in the fall or the spring of the year, but after an examination into the different modes of getting across the straits I am satisfied that there is but one way—the tunnel or sub-way. I hope when the Government are satisfied on that matter they will have it carried out. Anyone who knows anything about the Straits of Northumberland will confirm my statement that it is almost an actual impossibility to construct a boat that will convey cars across every day back and forth between Prince Edward Island and the mainland, and until we have such accommodation between the island and the mainland as there is now between Montreal and Ottawa, the terms of Confederation will not be carried out. It is a waste of time to construct boats to convey cars across the straits, and the service at the Straits of Mackinac does not afford sufficient experience to arrive at a conclusion as to the best course to be pursued with respect to Prince Edward Island.

HON. MR. ABBOTT—Before answering my hon. friend's question directly I may say that the opinion of the Government with regard to the steamer is very much the same as that expressed by my hon. friend from Alberton. There has always been a prejudice against the use of any material but wood in the construction of vessels that are expected to encounter a crush of floating ice. It has been thought that wood is a safer material than steel for the purpose, but it has been ascertained without question that a steel vessel can be made equally capable, or more capable if necessary, to

resist ice than a wooden vessel. It does not require constant repairs as wooden hulls do, and for that reason the Government are disposed to spend more money to get a steel vessel than it would have cost to get a wooden one. They are perfectly familiar with the report to which my hon. friend from Alberton refers, (thanks, I daresay, to my hon. friend), as to the use of this steamer in the Cattegat, and the steamer to be used here will have better capacity to carry passengers and freight. They have taken the best opinion they could get from engineers and persons accustomed to this kind of navigation, and are satisfied that they have hit upon the very best model for a vessel of this description and the best possible material, and I trust we shall have it running successfully in due time. As to the vessel at the Straits of Mackinac, the information we have is that it is as much an ice-cutting vessel as a vessel intended to force its way through large masses of floating ice. The water is comparatively smooth at Mackinac Straits and it freezes across, and the steamer that is in use there, we are informed, is for the purpose of cutting the ice. The current runs uniformly in the same direction, and the ice, as it is separated, floats off and the way is kept clear. That is the principle of the vessel used there. Anyone who is acquainted with the character of the floating ice in the Straits of Northumberland, knows very well that a vessel which could cut its way through stationary ice would not be able to cope with the masses of ice which float between Prince Edward Island and the mainland; the Government have not come to the conclusion to build this steamer without having carefully investigated the subject and profited by the experience of others at places where such crossing is required in winter.

BILLS INTRODUCED.

Bill (80) "An Act to provide for the winding up of the Bank of London in Canada." (Mr. Macdonald, Midland.)

Bill (97) "An Act to amend the act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West." (Mr. Wark.)

RAILWAY CROSSINGS AT TORONTO.

INQUIRY.

HON. MR. MACDONALD (Midland)

Has an order been made by the Railway Committee of the Privy Council requiring the erection of gates at Simcoe and York Street crossings, Toronto, to prevent the recurrence of such accidents as that which occurred at the said street crossing last summer?

2nd. If so, has the Grand Trunk Railway Company erected such gates, and if not, has the Government or the Railway Committee of the Privy Council taken any and what steps to compel obedience to such order?

HON. MR. ABBOTT—In answer to the first question, I would inform my hon. friend that an order was made by the Railway Committee of the Privy Council on the 21st of November last, and sent to the Manager of the Grand Trunk Railway at Montreal, directing the erection of gates at the crossing to which he refers, the gates to be built and a watchman provided to attend to them before the second of January following. In answer to the second inquiry, I may say that finding those gates were not placed at the crossings referred to, Mr. Hickson was communicated with and on the 20th March, he replied that the order had not been complied with on account of the impracticability of putting up gates while the ground was frozen, and promising to erect them as soon as the ground was sufficiently thawed to enable them to do so. The Government have not been informed as to whether that has been done this spring, but they will cause immediate inquiry to be made to ascertain whether the railway company has done so or not.

SENATORS' GALLERY IN THE HOUSE OF COMMONS.

HON MR. ALEXANDER—Before the Orders of the Day are called, I wish to call the attention of the Senate to the

fact that I have just returned from the Senator's gallery in the House of Commons, where I went to hear Sir Charles Tupper's speech. I found a number of ladies there : Is that in accordance with the wish of the House? Would the House be kind enough to express an opinion whether ladies are to take our places in the gallery provided for our use in the House of Commons. It is dreadful that those brazen-faced women should take the places of Senators of the Dominion, set apart for them in their own gallery. It is disgusting—brazen-faced!

Hon. Mr. MILLER—I think the time has come when we should deal with this grievance. In every country that possesses two Chambers of Parliament, it is usual for each to afford accommodation to the other to hear the debates and proceedings of their respective bodies. For some time past, we have had a great deal of difficulty in getting accommodation in the gallery of the House of Commons allotted to the Senate. In fact, the question has been one of complaint for a number of years, and of late, it is even worse than I have ever known it before. During the present session, and during last session also, I have had occasion when there were interesting or important debates in the other House, to which it would be desirable for any public man to listen, and I have found it impossible to get sitting room in the Senator's gallery. I have found it occupied by people who have had no right whatever to be there. We have requested our Speaker to communicate with the Speaker of the other House upon this subject and he has done so, but no result has followed the communication of His Honor. When I was Speaker of the Senate I had occasion to communicate with the gentleman who then filled the Chair in the other House, Mr. Kirkpatrick, and I always found him willing to do what he could to carry out the views of the Senate. Formerly we had a gallery allotted to us and our friends which extended past the centre of the House and including what is now the Speaker's gallery of the House of Commons. The first encroachment was to take the most desirable part of our gallery for the Speaker of the House of Commons. We did not complain of that. Subsequently we found that the portion left to us was open to all sorts of persons, and after a great deal of discussion here it was decided that a very small portion of the space should be reserved exclusively for Senators. That arrangement was attempted to be carried out, and we then had the promise of the Speaker of the other House that the messenger placed at the door would enforce the orders received from him. On one occasion the Speaker of the House of Commons told me that when his orders were not attended to he would dismiss the messenger of that gallery. It is said that the fault lies chiefly with members of this House, and of the House of Commons—that members of the House of Commons bully the door-keeper there into admitting their friends into the places reserved for this House, and which is the only part of the gallery in which we can claim exclusive privilege. I do not think that the door-keeper should be a man capable of being bullied either by a member of the Commons or of this House. I understand it is said by those persons that they do not care what the Senate think about the matter. It is a practical illustration of the fact that some members of the Commons do not care to extend to us that courtesy which ought to be shown between the two co-ordinate branches of Parliament. It is well to speak plainly on this subject. The messenger at that door should have instructions to take the name of every member of either House who compels him to admit strangers. As it is now we have no gallery ; it is the door-keeper's gallery and he fills it on all occasions with those he wishes to admit. That is something which ought not to be permitted. We hear discourteous reflections on members of this body in the Commons ; we do not mind that, but in a practical matter of this kind, which ought to be under the control of the head of the other House, when it is not remedied after a request from this House, we should instruct His Honor the Speaker to place himself formally in communication with the Speaker of the House of Commons and endeavor to

have the matter arranged satisfactorily. If we are to be treated with continued indignity, if we are not considered worthy of having a seat in the little box allotted to us in the House of Commons to listen to the debates in that chamber, I think I should be inclined to move at some future day that we send a message to the House of Commons informing them that as they are not willing to extend to us that courtesy, we will resign our claim to any seat whatever, and for my part I am willing to go into the general gallery and not have it supposed that we have the privilege of a gallery when we have none.

HON. MR. ALEXANDER—I understood the messenger to say to me, in reply to my inquiry, that he had an order from the Speaker of this House to allow certain ladies in the gallery.

THE SPEAKER—There is not a particle of truth in that statement.

HON. MR MILLER—It was the understanding of this House the other day, when we discussed the matter with closed doors, that Senators should have the privilege of taking their wives and daughters into the gallery. Nobody objected to that at the time, and I presume it was taken to be the sense of the House, but the way the gallery has been occupied by strangers during the last year or two is not creditable to the Speaker of that body.

HON. MR. MCKINDSEY—When I heard the charge made by the hon. member from Woodstock I went over to the other Chamber and found that there were only two ladies in the Senators gallery, and they have a perfect right to be there. The hon. member from Woodstock, I have no doubt, has an object in view in making the statement he has made here to-day, but it is unjust to come here and report that the gallery is so full that he cannot get a seat there himself.

HON. MR. MILLER—I will give the two occasions to which I have referred —the speech on the Budget, or rather the speech which followed the Budget, and the debate upon the very important constitutional question which arose the other day with regard to the liberty of the press. These were two occasions when I think most members of the Senate would desire, if they could, to be present and hear the debates. On the more recent of these two occasions, which was subsequent to the time when the attention of our Speaker was called to the matter, and he was requested to communicate to the Speaker of the Commons on the subject, the gallery was full of strangers.

HON. MR. MCKINDSEY—The hon. gentleman is quite right in the remarks he has made. What I object to is that on this occasion the hon. member from Woodstock should make the statement that the gallery is so full that he cannot find a seat, when, as a matter of fact, there are only two ladies there, and they have a perfect right to occupy seats in the Senators gallery.

HON. MR. KAULBACH—There is no occasion just now, it seems, to raise this question. As a rule the hon. member from Woodstock is in favor of the ladies : he has on other occasions said he would be inclined to give them the whole gallery if they wanted it. To-day he holds the very opposite opinion, and he must have fallen into disfavor with them. I have instructed those that I am particularly interested in that the front row of the gallery is assigned to Senators only and cannot be used by ladies ; and they have always found the other places filled up so that they could not get seats at all. So far as my family are concerned, it has been a closed place. We have a certain place for the Senators, and the rest of the gallery is filled up with persons who have no right to be there at all.

HON. MR. DEVER—There is no reason at all to bring up this question today. I had occasion just now to introduce a gentleman from Old France, who is here on public business, to the seat in the gallery that I usually occupy when I go there. I found only two ladies in the gallery, and these two have a perfect

right to be there, and I have reason to believe that it is because they are ladies related to a member of this House that the matter has been referred to at all.

HON MR. ABBOTT—I hope that in what I am about to say the House will not consider that I am actuated in any degree by anything that has fallen from the hon. gentleman from Woodstock. But the hon. gentleman from Richmond has stated a grievance that I have, on more than one occasion, been informed exists–that practically on interesting occasions the Senators' gallery is filled with strangers to the exclusion of members of this House. I confess my ignorance of the course to be taken to vindicate the rights of this House to the place that has been allotted to the Senate in the House of Commons; but I should suppose that the first step to be taken is that the Speaker of the Senate should address the Speaker of the other House in a formal manner stating the grievance of which the members of this House complain, and requesting proper redress. If there is no proper response to a courteous request of that kind, asking what we are entitled to as a right, of course it would be then open for us to consider what further step is to be taken in that direction. I would suggest that as possibly the right course to be taken under the circumstances.

HON. MR. MILLER—As the Speaker knows, for several days past I have been telling him I would bring this matter before the House with open doors, if something were not done to remedy the evil that hon. gentlemen complain of. I intended not to do so to-day, but when a member of the House told me a moment ago that the gallery was full of strangers, I thought I would take occasion to offer a few remarks on the matter before the House.

HON. MR. MCINNES (B. C.)—Two years ago I made a suggestion which, if it were carried out, would have met the difficulty in preserving the privacy of the Senatorial gallery. My suggestion then was that a partition should be placed at the end of the railing up to the passage that leads to the Speaker's gallery, and that a door should be placed there about five or six feet from the door to the Speaker's gallery, and that should be in charge of the messenger, who also takes charge of the Speaker's gallery, and that no person, whether a Senator's wife or daughter or sister, should be admitted—that it should be reserved exclusively for Senators; and that the remaining two-thirds, or even one-third, of the Senator's gallery, should be set apart for the wives, sisters and friends of Senators. If that were done and a proper doorkeeper were placed there, who would carry out the instructions of His Honor the Speaker of the Senate, I do not think there would be any further difficulty. I am of opinion the small alteration I suggest would not cost more than $8.00 or $10.00, and would not in the least disfigure the gallery.

HON. MR. KAULBACH—I think if we had a door-keeper from the Senate for that door it would obviate a great many of the difficulties.

HON. MR. MCINNES—I cannot agree with the hon. gentleman from Lunenburg in that respect, for about two weeks ago I was over in the gallery, and after I went in there a number of ladies entered. The door-keeper followed them up and told them where they could sit beyond or within the railing, but instead of remaining there they slipped past, opened the little gate and went down to the Senators' seats. The door-keeper followed them up and requested them to occupy seats in the south end of the gallery, but could not get them out. I think my suggestion is the proper one.

THE SPEAKER—Of course it will be my duty and pleasure to carry out whatever instructions the House may give me, and if it is the desire of the House now that I shall address a formal communication to the Speaker of the other House I shall do so. Since this matter was brought up with closed doors by the hon. gentleman from Richmond, I took occasion, at the express desire of the House, to see the Speaker of the Commons, and confer with him on the subject. Affairs remained very much in the same condition, and I

had to request my hon. friend from Richmond, as it was a pity to cause any friction between the two Houses, not to bring the matter up except with closed doors until another effort was made to carry out the wishes of the Senate. I again saw the Speaker of the Commons this morning and he expressed great regret that any inconvenience had been caused to Senators, and informed me that he would give most stringent orders to the door-keeper that only Senators, or the wives and daughters of Senators, as I understood it to be the expressed wish of the House, should be admitted into that gallery. He stated what the hon. gentleman from Richmond has mentioned, that he found great difficulty in having his orders carried out, inasmuch as members of both Houses did apparently use their authority to override the instructions which had been given to the door-keeper. Hon. gentlemen know that we have experienced in past years no little difficulty on the same question, because members did not carry out the rule. With regard to any statement that I gave orders to the door-keeper to admit anyone, I may say I have never given him a single order, and therefore any statement of that kind, hon. gentleman can see, is entirely without foundation. With regard to the actual condition of the gallery just now, or when my hon. friend spoke, I presume he did not speak from his own knowledge for I am informed just now, having sent up a page to look at the gallery, that there were only three ladies in it.

RESOURCES OF THE GREAT MACKENZIE BASIN.

THIRD REPORT ADOPTED.

The order of the day having been read

Consideration of the Third Report of the Select Committee appointed to examine and report as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky Mountains and west of Hudson Bay, couprising the Great Mackenzie Basin—its extent of navigable rivers, lakes and sea coast, of agricultural and pastoral lands, its fisheries, forests and mines,

HON. MR. GIRARD said—After the question of domestic administration which has just been under consideration, I shall undertake to complete my observations of the other day in a somewhat different manner. I would like to call your attention to a different gallery, not one where a certain number only can be admitted, but to a gallery sufficient in area to offer a home to five millions of people living in the Dominion at the present time, which is perhaps a more important question than the one we were discussing a moment ago. I regretted not having completed my observations before the debate was adjourned the other day. I had very few remarks to add; at the same time I had to submit and I did so most willingly and respectfully, at the request of my hon. friend from De Lanaudiere. He was certainly correct in his demand that the report should be printed in French before it was brought before the House for discussion; but the Committee had not time to do so. If the hon. gentleman will refer to the fourth report of the Committee, he will see that provision has been made for the publication of the evidence in French when the proper time comes to do it. It is not possible to have it done immediately, but as has been the case in the past, provision has been made for the publication of all the proceedings before the committee in the French language. I do not think the hon. gentleman need be alarmed that due consideration will not be shown to the French portion of the population, in the publication of all the information obtained before this committee in their language. Like my hon. friend beside me, I am always happy to remember the brave explorer Varennes de la Verendrye. His discoveries in the North-West introduced civilization into that part of the country. He was followed by his two sons who lost their lives in their efforts to advance civilization in the far west. I think we all admit that the French have been the pioneers in the introduction of civilization in many countries, and more especially amongst the Indians of this continent, and it is to be regretted that they have not maintained the position in the North-West that they acquired in the beginning.

While they have been the first to find their way into that vast wilderness and lay the foundation for the coming civilization, in many places all that remains of them is the monument of the good works they have done. I am happy indeed to have the opportunity once more to call your attention to the important subject of enquiry before the Committee whose report is now under consideration. Not only has their work attracted the attention of the people of this country, but it has attracted a great deal of attention in England. Although our report is not yet published, I learn that an expedition has been organized in the Geological Survey for the exploration of the country west of Hudson Bay, as one of the results of our enquiry. I see also that the Government of Ontario have appointed a Commission to ascertain and determine the mineral resources of this province. In England articles have appeared in the great dailies commending what the Senate Committee have done. I shall take the liberty of reading a paragraph from a cable despatch from the London Office of the Toronto *Globe* as to the effect of the publication of the telegraphic summary of the evidence taken before the Committee. It is as follows :—

THE MACKENZIE BASIN.

The cabled summary of the evidence taken by the Schultz Committee on the Mackenzie Basin is attracting notice here, as further evidence of the great undeveloped resources of the Dominion. The *Daily News* to-day, editorially comments on it, and says the day may well come when British North America may support a population equal to more than half that of Europe.

Generally, we do not hesitate to expend large sums of money to attract the attention of the people of Europe to our country and its resources. In this case, we shall be able to submit to the public a vast amount of evidence which was taken before the Committee—evidence of a most interesting and important nature to everyone who looks forward to a great future for this country. I believe that everyone will be satisfied with the work the Committee have done, the success of which we owe in great measure to the energy, industry and perseverance of our Chairman, the hon. gentleman from Winnipeg. If rumor is true, this will be the last session that we can have the hon. gentleman with us in this chamber. He will be taking an active part in the affairs of the country in another position, but the work he has done this session will remain as a monument to his industry and to his desire to do something in the interest of his country. We must also acknowledge the information that was afforded to the Committee by persons who were in a position to give most valuable evidence. We had the Hon. Mr. Christie who has passed the greater portion of his life in the North-West as Hudson Bay Company factor. While he was employed in that capacity it was his duty to visit the different posts of the Company, scattered throughout that vast wilderness. He knew the people, he knew the country and its resources and we may rely on his statements before the Committee as being most important information. I do not wish to make invidious comparisons or to detract from the importance of the evidence given by the witnesses, but I would draw attention specially to the evidence given by Mr. Christie and Bishop Clut. The latter gentleman has spent many years in that country, and has experienced hardship and often narrowly escaped starvation, but always doing good. His evidence was most valuable as affording reliable information on many points that are new to the country. I may add that the vast amount of information collected has been gained without the expenditure of a dollar of the public money, as it was an instruction to the Committee that they should not incur any expense. I wish to state specially the case of Bishop Clut. He came here as an invalid, I might almost say as a beggar asking for assistance in his deserving mission. He has been in attendence at the Committee for many days in the interests of his country, and the information given will be of infinite value to the public. Under ordinary circumstances we would have no difficulty in appreciating at its true value the evidence he has given of a country which is considered "out of the world." It is a part of our Dominion of which until now we knew nothing. As a wilderness it is immense in its area, immense in its

lakes, immense in its forests, immense in its fisheries, immense in its mines, and the time is fast approaching when all this undeveloped wealth will be appropriated for the purpose of civilization. It is occupied at present only by the few missionaries and about 12,000 Indians. The Government have not as yet done anything for those Indians, though I have tried to draw the attention of some of the members of the Cabinet to the position occupied by those aborigines. They have never received anything from the Government, but they pay in the shape of customs a considerable amount towards the public treasury. I see in a newspaper that I received this morning, the Montreal *Witness*, the announcement of starvation amongst the Indians in the Peace River District, and with your consideration I shall read it :—

STARVING INDIANS.

CANNIBALISM IN THE PEACE RIVER REGION.

OTTAWA, May 7.—The Rev. Mr. Brick, Church of England missionary stationed at the Peace River District of the Diocese of Athabasca, in a sermon in St. George's Church last evening, said there had been a rabbit famine for the past two seasons, and that large game had nearly all disappeared. The Indians were, in consequence, in a starving condition, and unless relief was furnished, many of them must soon die. He instanced cases where they had kept body and soul together on boiled leather and old moccasins. Many are now subsisting on horse-flesh, and several cases of cannibalism have been reported. In one case a woman had been shot and her body consumed by hungry savages. These are not treaty Indians, but he thought the Government should do something.

There is nothing to fear from these Indians. From the evidence we have heard many of them have already received the elements of civilization. They are well disposed, peaceable tribes and no danger is to be apprehended from them. Although they are not included in the treaties made with the government, they should receive a certain amount of assistance. Amongst those tribe there is one known as the bad people, Les Mauvais Monde. They acquired that name because the first time they came into communication with the white people they spoke louder than the other tribes, and they were considered dangerous because of their manner of speaking, and explorers and traders were afraid to go amongst them. That is the only reason why that tribe has got the name of Le Mauvais Monde, but they are no more dangerous than any other Indians. It is a singular circumstance that in a country abounding with natural wealth there can exist such an amount of misery as may be seen among the Indians. A missionary assured me that they have not eaten bread twice a year for many years. They have occasionally made biscuits from barley flour, but they have no mills and none of the usual accommodations of civilized life. It is about time that there should be a change in that respect, and it is coming very rapidly, because the two millions of square miles of agricultural lands which are to be found in there, three-quarters of which are capable of cultivation, cannot remain much longer unpopulated. Potatoes and wheat can be produced. What is called the Barren Grounds, has an area of 400,000 square miles and there are 2,000,100 square miles of good land. It will be seen by the report that in this area potatoes and barley mature and wheat has succeeded in many parts of it.

HON. MR. DEBOUCHERVILLE—Have they got oats?

HON. MR. GIRARD—I think they grow oats there also. In all parts of the country there is abundance of fish of the best quality—salmon trout and another fish nearly as good as the salmon, called the Inconnu. I think the time has arrived when the Government should not only ascertain the natural resources of that country, but also adopt measures by which our natural wealth in that part of our territory will be protected, not from the people of the Dominion, but from the Americans. Expeditions will be coming in from the United States before long via the Mackenzie River, as they have done in the past in other new territories, but the most valuable portions of it will be appropriated for its wealth of fish and fur bearing animals and its mines. There is no doubt that the natural wealth of that country is practically inexhaustible. At the present day it may be said to be the last preserve of the valuable fur-bearing

animals on this continent, and the resort of the wood buffalo and musk ox. These animals are getting very scarce, but by a proper system of protection they will be preserved for a longer period than the buffalo of the plains. There is at the present time a practical communication throughout that country by the Mackenzie River, and in the early future there is no doubt an important trade will spring up between that country and Alaska, California and British Columbia. Within our lifetime these lands, which up to now have been absolutely unknown and considered a desert waste, will be appreciated at their true value and will be the home of a thrifty population. We are awakening to the fact that some of the finest of our agricultural lands are situated in the Mackenzie River district and that even the barren grounds are valuable on account of their wealth of minerals, fish and fur-bearing animals. I wish to call the attention of the Government to the importance of these reserves. It is a source of satisfaction to the people to know that they have such a vast inheritance, which will be a home for countless thousands of an independent and thrifty population. I have no hesitation in saying that the work that this Committee has done should receive the sanction and concurrence of this House, but it is to me a source of the greatest pleasure that I have been able to assist my hon. friend the Chairman of the Committee in the work which he has so successfully performed, and from which I anticipate most important results.

HON. MR. KAULBACH—I am sure we cannot be too much indebted to my hon. friend from Manitoba, the Chairman of this Committee, whose indefatigable efforts have brought to our knowledge the wonderful resources and capabilities of our great North-West. I am sure that the information which the Committee have gathered, will create a more than common interest in the country. The proceedings of the Committee have already attracted notice, not only throughout Canada, but in the Old World. Until now we have not known, and even now, we do not know the great wealth of our North-West. I believe that half has not been told us of what we have in store, not only for ourselves, but for those who come after us, in that vast region. It is of immense value to know the resources we have to fall back upon in our new territory, and I believe it will form a great attraction for this country, and tend largely to direct emigration to the Dominion. Some may decry our doing anything at the present to settle the Mackenzie country, and say that it is of no value to us at present. If we look at the history of California and British Columbia, we will find that those countries were settled by persons who did not go in there so much to settle as to search for valuable minerals, but by that means these countries were opened up for settlement much earlier than they would otherwise have been. I believe the same attraction will be found in our North-West, and when the people have a better knowledge than we have now of the mineral wealth of the Mackenzie River district, its wealth of timber and fish and peltries, I am sure it will attract a great deal of public attention. The evidence given before the committee shows that we have already in the Mackenzie Basin an extent of river and lake navigation of 2,700 miles only interrupted at Great Slave Lake.

HON. MR. POWER—At four places.

HON. MR. KAULBACH—I understand there are only two places, one near great Slave Lake, twenty miles in length, and one near Lake Athabasca, seventy miles in length, the last a succession of small rapids down which craft can easily go but which is not easy of ascent. With these obstructions removed, we would have a clear navigation of 2,700 miles. The Committee, through the industry of my hon. friend the Chairman, have accumulated a vast amount of information, not only from records of the earlier explorers of that country, but from missionaries and Hudson Bay Company officers—evidence which I did not venture to suppose could be obtained without large expense. We have secured all that information at a comparatively small amount of expenditure and it is of a remarkable character. Many of us have entertained the idea that the whole of

that northern country was a frozen region. We came to our conclusions by looking at the map, and any one familiar with the climate on the eastern shore of the continent can hardly conceive that cereals can be grown as far north as Good Hope.

HON. MR. POWER—What is the latitude of Good Hope?

HON. MR. KAULBACH—About 66 or 67. Even wild roses grow there. I hope my hon. friend from Halifax is not one of those doleful croakers who do not look for the sunshine, but admire the stagnant waters and unhealthy places of the earth. I hope he is not one of those who would decry our country. I observe that he shakes his head and repudiates such an idea. It is a country in which croakers cannot well exist.

HON. MR. POWER—Are there no frogs there?

HON. MR. KAULBACH—The hum of prosperity is too great in this Dominion for croakers to exist amongst us. My hon. friend loves his country too well to join those who would disparage it. He is a patriot, although his political associates are not among those who desire to promote the prosperity of the country. They belong to the fly-on-the-wheel party—a party which held power for five years in this country and considered themselves incapable of doing anything to promote the industries of the Dominion. In that far northern region we have the valleys of the Peace River, the Liard River and other tributaries of the Great Mackenzie, a region with a climate similar to that of Ontario. At the Great Slave Lake there is a vast area with a climate equal to that of the place in which we are to-day. When we consider the vast natural resources of that country with an area of over 250,000 square miles, where wheat of a superior quality has been grown, we may well look forward with hope to the future of the country. It is a remarkable fact that the warm currents of air from the South-West and the long hours of sunshine in the summer months give to the climate of that country an extraordinary mildness considering the fact that it is not far from the Arctic circle. There is in the Pacific ocean a warm current of water which corresponds with the Gulf Stream of the Atlantic and the influence of this warm ocean current and the south-west winds upon the country lying between the Mackenzie and the Rocky Mountains is such as to render the climate admirably suited for the growth of most of the cereals which thrive in Ontario, while the return currents from the Arctic Ocean which flow along the eastern shores of Asia and North America produce the cold climate which we find on the coast of Labrador and Siberia. These great currents of warm air and warm water benefit our North-West Territories, but on the other hand the cold currents from the north on the Atlantic coast tend to our disadvantage in the east. I regret that my hon. friend from Winnipeg is about to leave us. I believe he has done as much as any member of this House, during the short time he has been with us, in advancing the interests of the Dominion. He came to us in feeble health, and he is now leaving us in full vigor. We will always remember with delight the time he has been among us, and the great benefits he has conferred upon his country. The report which we have before us and the evidence to which it refers will prove of great advantage to the Dominion, not only at present but in the future, and we will always associate the name of my hon. friend with the great discoverers who have given us information concerning the vast regions of the North-West? We must all be proud of our great possessions and regard the Dominion as a country full of promise of a glorious future. We have all the elements of success, and if we have the right energy and if the affairs of the Dominion are administered by a government such as the one which at present rules its destinies, we will continue to go on progressing and in the end make Canada the home, not merely of a people of five millions, but of a vast population.

At six o'clock the Speaker left the chair.

AFTER RECESS.

HON. MR. MACDONALD (Midland) —Two things have become apparent, as this Committee has continued its sittings from day to day; the first being how much this House, and this country, are indebted to the hon. member from Selkirk for bringing this important matter before us, and the next is the conviction that has necessarily forced itself upon our minds of the vastness of the resources of this land hitherto so much unknown to us—known possibly to a few, but certainly not brought within the reach of the great number that have already even during the sittings of the Committee become possessed of it, and who will still yet more extensively become familiar with the resources of that country. I shall not go over any part of the ground that has already been travelled over. It was certainly news to us that so much of that country was adapted to the growth of cereals and root crops and so much of the land was suitable for pastoral purposes; that it abounded so much with minerals and that its lakes and rivers teemed with fish. The only reference I purpose making on this point is simply to say that for any amonnt of population that is likely to be in that country for very many years to come, even if they should amount to millions, that the cereal growing capacity and other products are abundantly ample to furnish them with all the necessaries of life, and I believe to have also a surplus for export. I wish, however, to emphasize just two or three points. I hold that the true safety of any country as regards its freedom from crises exists in the variety of its products. Hence it is that the United States in its varied climate, has such an enormous advantage over many other countries, is found in the fact of the possession of its large corn fields of the west; in its immense cotton plantations of the south, and in its sugar products, so that if one branch of produce fails, there is always the probability of another one being successful. In Canada our own resources are very varied. We have our lumber, our spring and fall wheat, each having its season, we have our barley and other cereals, but the very need of the principle to which I have referred, has so taken possession of our people that lately they have gone more extensively than ever into stock raising, into the production of cheese and into other industries, all going to show that the more widespread are our resources, the more extensive our industry, the more likely are we to secure general prosperity. But even with all those advantages in some great crises that have overtaken our country all have failed, and we have been compelled with Antonio to say "My ships have all miscarried." Therefore the question which impresses itself upon my mind is thi what have we in that country that we have not in Ontario or in the other portions of the Dominion? Can they be utilized so that if any particular branch of industry should fail here we might have perhaps compensated prosperity for something yonder? Now perhaps I will better illustrate what I mean to say by the very wonderful production of the wheat crop of the North West during last year. We do not require to be told that the wheat crop of Ontario was a failure. We need not be told that that failure superinduced a very large amount of depression and involved a great many people in ruin. Look at the unprecedented product of Manitoba. Look at 15,000,000 bushels of grain when the grain crop of Ontario was almost an entire failure, and then let us ask ourselves the question how much greater would this crisis have been, if it had not been for the wonderful results in that recently opened up country, and how strange it was that the very wealth of the country was the cause of its embarrassment? I say that its wealth was the cause of its embarrassment, because the very abundance of the crop seemed to congest all the railroads and make the moving of the crops almost a matter of impossibility. I daresay that some hon. gentlemen of this House will have read the report of the Select Committee of the the House of Commons upon the Hudson Bay country, taken many years ago. Mr. Roebuck, if my memory serves me right, was the Chairman. You will remember, perhaps, that in the testimony of Sir George Simpson he sought to impress upon that Committee that the Hudson Bay Company's Reserve—the Hud-

son Bay Company Territory—was utterly unsuited for the production of cereals and that it was never likely to become a land where farmers would settle and where the resources of the soil could be developed. The Chairman opened a small book in which a scene of prosperity was pictured which pointed to a time when those rivers would be studded, with steamboats, when those hill-sides would be occupied by an industrial population and when those great plains would be the scenes of vast cities and asked Sir George Simpson, reading this book "May I ask are you the author of that book?" Sir George was compelled to say that he had written that book; we know that at the instance of the Hudson Bay Company he was compelled to eat his own words and say it must have been written under the influence of strong imagination. I need not tell the hon. members of this House that every copy of that book that could be had was bought up and destroyed. What do we see to-day? Even the most fanciful picture of Sir George Simpson is more than realized—his words were prophetic, and everything be predicted has actually become a fact. Now I make this reference only for this purpose: is it not as much the interest of the Hudson Bay Company to keep the people of Canada to-day in ignorance of the great resources of the Mackenzie Basin as it was their interest to keep them in ignorance of the Hudson Bay Territory? I say assuredly it is and for that reason I look upon this investigation as having within it the germ of influences that will lead to the development of the resources of that country. Now what do we find? We find that that vast region abounds in minerals—that copper, iron, sulphur pyrites, gypsum and other minerals abound there. I shall only refer however to those particular resources which we do not possess in this part of Canada. I want to call the attention of this hon. House to the fact that the information before the Committee pont to the fact that evidences of petroleum exist over a country of 200,000 square miles. The report suggests the reservation of forty thousand square miles of these lands. There is consequently in connection with these petroleum beds large formations of asphaltum. Then we have the auriferous area of two hundred thousand square miles, and besides we have the fur bearing districts. Now I want to narrow anything I have to say to these three points—the fur-bearing, the mineral and the auriferous districts. I hold that having these as an adjunct and with the facilities we have to offer to the emigrants coming to us, we are placed in an immensely stronger position, having these developed than having them lying unsettled and dormant. If we have this enormous petroleum area why not let the world know it? Why not invite capitalists to occupy it. No matter how visionary we may suppose it to be, if we find men willing to go in and test it and see what can be done there, why not let the world know it, and let our resources there be, as they ought to be, a source of revenue to us. In reference to the great auriferous region, why not apply the same principle and if we find that people are willing to come in and take up claims and develop that region why not invite them to come in and have it, as it ought to be, a source of profit to the Dominion? Then there is the question of the furs. We hold undoubtedly the largest and most valuable fur preserve in the world—the last and the most valuable. From the information that we are able to gather upon the subject, we find that the sales of furs in the British market amount to not less than five millions of dollars a year. Why should the whole of that property not pass through Canada? Why should we not get the benefit of it, and, as I understand it, the whole of this valuable preserve, held by the Canadian Government, does not contribute one cent to the revenue of Canada. The Dominion not only derives no benefit from it, but has not even the advantage of the prestige that belongs, as it ought to, to Canada, of having this wonderful fur-bearing district. It is supposed to be a preserve of the Hudson Bay Company and it is to their interest that it should be so thought and regarded. Now, I am not going to talk about the physical disadvantages, but these, I understand, could be overcome by two short lines of railroad, together not amounting to more than seventy

miles, giving uninterrupted communication from where we are to the Mackenzie river. The point, however, to my mind, which would lead me to urge that preliminary steps be taken to ascertain the advantages of this country, would be from the enormous effect which it would have upon the province of Manitoba and the North-West Territories. I have spoken about the great advantage which any country possesses in having a great variety either in its products or in its manufactures. No one knows better than my hon. friend from Burlington (Mr. McInnes), that if this principle were applied to all our manufacturers throughout this country that are just now in a terribly depressed condition——

HON. MR. POWER—Hear, hear.

HON. MR. MACDONALD (Midland)—The hon. gentleman says hear, hear, and he is perfectly right: none knows better than the hon. gentleman from Burlington that if our manufacturers throughout this country were to turn their attention to the development of products which they do not now utilize, everyone of these would be so stimulated that very speedily they would become profitable industries and therefore I contend that the great resources which we have in that country and which we do not possess in this part of the Dominion ought to be immediately turned to account. And whom would you attract? You would attract the young, the hardy and the adventurous. The very class of people you want in a country like ours who would be a permanent benefit to the Dominion and with the cheapness of money in the British money market today, who can tell what development might take place in those petroleum, fur bearing and auriferous districts; I hold that anyone can tell what the result would be. I advocate the paying attention to this district chiefly for the effect it would have on Manitoba and the other districts of the North-West. At the present they are at the limit of civilization—at the furthest extent of population, but you place beyond them a country teaming with minerals, with furs, with fish and with other products and you give them a market and instead of being at the end of civilization, as they are to-day, they would be in the midst of the people and having a large market north of them and would make Winnipeg the Chicago of Canada. I trust hon. gentlemen that the report, the time, and the thought that have been given to it, the information that has been elicited, the advantages which the country offers will lead the Government without delay to take preliminary steps to ascertain how this country and the facilities we have to offer can be thrown open to the public, not in an extensive manner—not by the expenditure of large sums of money but to take wise and judicious steps to ascertain what we have and how it can be best turned to account.

HON. MR. GOWAN—It is a pleasure to refer to a subject upon which there is no difference of opinion. It is a sensation not often felt in this House—perhaps rarely felt in any deliberative assembly, but, I am sure that every hon. gentleman will agree with me that no one who is not animated by great zeal and patriotism would have undertaken the duty of promoting this enquiry, and would have undertaken the duty of acting as Chairman of the Committee that was appointed. My hon. friend from Selkirk undertook the duty, but unless he had brought to his work full knowledge of the subject, untiring industry and zeal, and a special aptitude for collecting testimony and arranging it and analyzing it, the labors of the Committee, although very able members of this House were upon it, would, I fear, have been of very little avail. That he has done so, anyone who attended the meetings of the Committee and examined the work produced so far as it has gone, must, I think, be fully and entirely satisfied. I do not intend to refer to the very large subject treated of in the report, and upon which there is such a mass of useful and valuable testimony. I could not do less than, for my own part, acknowledge my indebtedness and I think I speak rightly, the sentiments of the whole House when I say the indebtedness of all of us to the hon. member from Selkirk, and I think the country is equally indebted to him and indeed mankind at large, because hereafter we will see that

country thickly populated. If we do not see it those who come after us will. My hon. friend from Selkirk has as I have said shown immense aptitude for collecting testimony, and I believe that some of the most competent men in the country, men who speak from actual knowledge have given their evidence before the committee. I consider it would be presumption for me to speak on the subject matter after hearing my hon. friend from Manitoba and my hon. friend from Toronto, who have both spoken on the subject in a very practical way—in a way that commends itself to everyone. I rise merely to express my acknowledgment and I believe to voice to a great extent the feeling of every member of this House. Before very long, a large portion of that vast region, I am satisfied, will be settled. We will not live to see it, but those who will be there at the time, will see green fields spread out in large sections of that country and probably millions of people occupying it, and I have no doubt that those who then enjoy the means of living comfortably, who will have happy homes there, will refer with gratitude to the great work that my hon. friend from Selkirk has done. I recollect reading, I think it was, in Taylor's work on Evidence, in the index, a reference is given: "Zeal, proof of indomitable in collecting and arranging" with the words following, "*intra passim*," the author with natural pride, thought he had given full and ample proof of "zeal" in this work on evidence, and he showed it by putting this reference in the index. I think no such words would be necessary if there is any index to my hon. friend's report, for anyone who looks at the mass of useful evidence collected there, will have ample proof of the industry, zeal and wonderful talent for analyzing the vast information on nearly every point, that could interest humanity. I could not deny myself the pleasure of saying what I have said in respect to this most valuable and successful efforts, and I hope and trust that if money is required to be expended by the Government that our hon. leader, who is always zealous to promote a good work, will use the influence he possesses for the purpose of printing and circulating largely the report of this Committee.

Hon. Mr. McINNES (B.C.)—After the very exhaustive speech of the hon. gentleman who had charge of this Committee, and of his colleague from St. Boniface and my hon. friend from Midland, I think it would be out of place for me to say anything on the merits of this investigation. The ground has been gone over very thoroughly, but there is one thing which has escaped the attention not only of the members of this House, but even of a great many members of the Committee—I refer to the navigation of the Mackenzie River itself. Evidence was adduced before the Committee to show that the Mackenzie River for some twelve or thirteen hundred miles was not only navigable for stern wheel steamers but even for ocean going vessels, and the map which I hold in my hand and which was used very freely in the Committee Room is defective inasmuch as it does not show the western boundary of the continent—that is the whole of Alaska, including Behring Sea and Behring Straits and a portion of the Arctic Ocean which extend eastward from the Behring Straits to the mouth of the great Mackenzie River. I drew the attention of the Committee to it before they closed their deliberations, and I think it was the opinion of the members present at that meeting that instead of having a two folder such as I have now in my hand that another fold should be added to the map thereby showing the means by which the Mackenzie River can be reached by way of Behring Sea, Behring Straits and the Arctic Ocean in the same way that the entrance to Hudson Bay by way of Hudson Straits is shown on the maps of the eastern part of the continent I hope that the very small additional cost to render the map perfect will not be objected to by the House. I am of opinion that the investigation and report of the Committee will not be complete unless the suggestion I make is adopted and acted on.

Hon. Mr. POWER—Perhaps enough has been said in connection with this report already; but inasmuch as when the Committee was being appointed I did not express myself very enthusiastically on the subject, perhaps it may be

expected that I shall say a few words now before the report is adopted, and I may be allowed to begin by saying that I do not altogether concur in the suggestion made by the hon. member from British Columbia.

HON. MR. MCINNES—Why?

HON. MR. POWER—Because Behring Sea does not come within the scope of the Committee's investigations, and because the addition of that portion of America—Alaska and Behring Sea and the ocean north of Alaska—to the map would not really convey and additional information to the ordinary mind.

HON. MR. MCINNES—Would it not show by what means you could get to the mouth of the Mackenzie!

HON. MR. POWER—It is to be presumed, that the people who will inquire into the matter will have a general idea as to where Behring Straits are.

HON. MR. MCINNES—For a few dollars I do not think we ought to spoil the report of the Committee.

HON. MR. POWER—It is a matter of small moment. I did not endorse the speech made by the hon. member from Selkirk when he moved for the Committee: I did not always agree with him in the meetings of the Committee; but I am happy to say that in the speech which the hon. member made the other day in moving for the adoption of the report I was able to concur almost entirely. I was very glad to hear the hon. gentleman taking, at the close of his labors, the line that this Mackenzie River Basin was to be a great reserve. I think that is just what it ought to be. The hon. gentleman also made, in the course of that speech, some practical suggestions which I trust the Government will attend to. One was as to the desirability of making the great fur trade of that region a source of revenue. If the United States, out of their comparatively small corner of the continent—Alaska—are able to secure a revenue amounting to something like half a million of dollars a year, why should not Canada, from a territory so much larger, and, taking it all together, just as rich in fur, receive some revenue? Why should the Hudson Bay Company be allowed to enjoy the monopoly of the fur trade of our northern country—practically just as great a monopoly as the Alaska Seal Company enjoy of the fur trade of Alaska?

The Alaska Seal Company pay some $250,000 a year for their monopoly, while the Hudson Bay Company pay nothing whatever for the privilege which they enjoy. Now, that is a practical suggestion which I think the government might very well consider. Before I leave the Chairman, I had better say a word or two which I ought to have said before. Hon. gentlemen have dwelt on the great interest which the hon. member has shown in this subject by his speeches in this Chamber, and the hon. gentleman who spoke last referred to his efficiency as chairman of the committee; but I think that perhaps sufficient stress has not been laid on the vast amount of onerous and tedious work which the chairman performed in connection with that committee. He sat in the committee room which, by the way, is neither too cheerful nor too well ventilated, day after day for hours each day; and I think that "zeal" does not begin to describe the feelings which must have actuated the hon. gentleman to have induced him, at a time when an ordinary man would have preferred to be out of doors gathering up the health and strength which he needs, for the future, to sit there day after day, engaged in this work which he had so set his heart upon. I was a member of the Committee, but I wish here publicly to state that I did not do my duty as a member of the Committee. The chairman was present all the time. The hon. gentleman from St. Boniface was present nearly all the time; but I think, if you go beyond that in the Committee, it will be found that the other members were not as assiduous in their attendance as they might have been; so the work which has been done, and the report which has been made, are really almost entirely the work of the chairman and his colleague from St. Boniface, of course added to the work done by the witnesses

who came forward and gave their testimony, I understand in all cases, without any remuneration, and simply through a spirit of good will and interest in the country. It would be strange, if on a subject as extensive as the subject which came under the jurisdiction of the Committee, there should be unanimity of sentiment amongst so many members; and there have been some differences of opinion. I propose to refer first to some suggestions which are made in the course of the report to which I think particular attention should be directed. I have already spoken of the value of furs; and I think, as I have stated that the country ought to derive some revenue from so great a source of wealth as that. Four millions of dollars worth of furs are exported from this country every year, and surely the government ought to get some advantage from so large a trade; and I hope they will take some steps to follow the example of our neighbors to the south in that respect. Money is no less an object with us than with our neighbors. If we had a surplus of a hundred million dollars a year, we could afford to be indifferent to any revenue that might be derived from furs. There is a suggestion in the report that some steps should be taken to protect the fur-bearing animals, and to see that traders in their greed for gain are not allowed to ruin so valuable a source of wealth. That is one of the duties incumbent on the government now. I am not anxious to see the Government build railroads into that country at present; but I think they should have their eyes open to the danger that even now threatens our fur trade. We are told by one witness, I think Bishop Clut, that traders have made their way as far north as Great Slave Lake, and that those people who come in in that way from the outside are much more likely to speedily exterminate the fur-bearing animals than the Hudson Bay Company are; and I think it is the duty of the Government to take immediate steps to prevent their destruction. The Committee also make a recommendation with respect to the fisheries, which, I think, deserves the attention of the Government:—

"Your Committee are informed that the Russian Government claim jurisdiction over the whale fisheries of the White Sea, and exact a heavy license from each vessel engaged in the fishing and that the Alaska Fur Company asserts a similar authority over the seal fisheries of Behring Sea, both of which are open to the ocean, while Hudson Bay, Boothia Bay and other bays and channels in the northern part of the Dominion, which are resorted to by foreign whalers, may be considered as closed seas being almost completely surrounded by our own territory. Your Committee, would, therefore, recommend that some measures may be adopted with a view to protecting the whale fisheries of our northern waters and at the same time of deriving a revenue therefrom. Should this not be done then as soon as the larger whales shall have become extinct, the slaughter of our smaller oil-producing mammals will commence, and as these creatures live in shallow water or nearer shore, further encroachments on our rights will probably result."

The United States fishermen, the men who go whale fishing and seal fishing, have already got into Hudson's Bay in large numbers, and it has been shown before the Committee that they have driven the large whales almost completely out of Hudson's Bay—that they are to be found only in the north west corner of the bay in small numbers at present. As the Committee say in their report Hudson's Bay would naturally come within the jurisdiction of Canada, and some regulations should be made, or steps should, at any rate, be taken to prevent the wholesale destruction of whales and other mammals in Hudson's Bay and the neighboring sea. It must be remembered that closely connected with whale fisheries in the north are seal fisheries; and if the Americans are allowed to go up further north, to Baffin's Land, and that region, and take the seals in their native habitat, the probable result will be the total ruin within a short period of the great seal fisheries of Newfoundland. I hope that, even though the English Government are slow, as they generally are slow, to do anything to enforce their legitimate rights in British North America, this Government will make representation to the Imperial Government with a view to having those fisheries protected to some extent. There is one feature of the report which is referred to in one of the last paragraphs, which, I think, is a very commendable one. Four maps accompany the report, one showing the

mineral deposits, another the feeding grounds of the various animals, a third the agricultural capabilities of the Mackenzie River basin, and a fourth the river, lake and seacoast navigation and the coal and lignite deposits. I think those maps are calculated to give at a glance to anyone who takes up the report, and who does not wish to read it through, a very fair idea of the character of that country and of its value. I said that there were some points as to which I did not quite concur with the report; and I think the better way is that one should mention the points of that kind, because if there is an honest difference of opinion it is better that it should be made known. It may be that I am wrong. Presumably I am, but it is only right that I should mention the points on which I differ from the report. The sixth paragraph of that portion of the report which deals with the subject of navigation says that there is a total of about six thousand five hundred miles of continuous coast, lake and river navigation, broken only in two places. The seventh paragraph says that the two breaks in question are upon the Great Slave and Athabasca Rivers, the first being overcome now by a twenty miles wagon road from Fort Smith southward on the Great Slave River, and the latter being a stretch of seventy miles on the Athabasca, of questionable navigation above Fort McMurray. It is perfectly correct that there is a break on the Great Slave River and a break on the Athabasca; but in addition to these there are two breaks on the Peace River which appear to have been overlooked. There is a break near Fort Vermillion, and another one which might almost be left out of sight, because it is up near the Rocky Mountains. But there is a serious break on the Peace River near Fort Vermillion.

HON. MR. SCHULTZ—Will the hon. gentleman allow me to correct his statement, by saying that the finding of the Committee is correct in this respect. He is also correct in saying that there are two breaks on the Peace River; but they were not taken into account, because the Peace is an affluent of the Mackenzie, and the other break is below Fort Vermillion, and the distance between the Rocky Mountain break and that one was so small, that we alluded only to two breaks. The hon. gentleman will find the figures exactly correct, and if he has any doubt of it, I will show him the map, and the estimate made by the Surveyor General of the Dominion.

HON. MR. POWER—I am not going to discuss the question with the hon. gentleman, for I supposed that the 6,500 miles included the Peace River as well as the Athabasca; if it does not my criticism is not well founded. The eighth paragraph is as follows:—

"That with suitable steam crafts this river and lake navigation may be connected with Victoria and Vancouver by way of the mouth of the Mackenzie, the Arctic Ocean and Behring Straits and Sea, and it is now connected on the south by ninety miles of waggon road, between Athabasca Landing and Edmonton, with navigable water in the Saskatchewan River."

The latter part of that paragraph is correct and it may be that the first is; but the Committee are made to say that with suitable steam craft this river and lake navigation may be connected with Victoria and Vancouver by way of the mouth of the Mackenzie. I do not think that, for a long time at any rate, the navigation on that route is likely to be of any practical value. There is hardly an instance except perhaps in the cases of one or two exploring expeditions which came through to meet exploring expeditions coming in from the eastern side of the continent, where vessels have got as far east as the mouth of the Mackenzie River. Vessels have got as far east as Port Barrow; but there the current seems to be deflected from the shore; and from Port Barrow eastward to the Mackenzie River the navigation is of a very unsatisfactory character; and from what little I have read about it, I do not think this route is likely to be used for some time. I do not think however it is a matter of very much consequence, because there are other modes of exit from that country which will suit very well.

HON. MR. SCHULTZ—I will ask my hon. friend, having made that state-

ment, whether he has read the report of the United States cutter "Corbel"?

HON. MR. POWER—No, I have not. There is no evidence before the Committee of anybody who knew, from his own knowledge, that this navigation was what one might call of a practical character. I dare say a steamer could get through, but the route is not likely to be one of any commercial value. The evidence also seemed to indicate that for agricultural purposes the land ceased to be of much practical value when one got any distance from the margins of the rivers and lakes. The country is good enough and valuable enough on its merits without our trying to make it appear more valuable than it really is. I think the Senate and the country are under very great obligations to the Chairman of the Committee who did so much very tedious and very difficult work under extremely unfavorable circumstances. Whether the hon. gentleman remains in the Senate or goes to some other sphere of usefulness, his name will not be forgotten as long as the report of this Committee remains. It will be a source of information to persons desirous of learning something of that great reserve, for many years to come.

HON. MR. REESOR—As a member of the Committee I made it a point to attend the meetings as faithfully as I could under the circumstances, and when not able to attend the meetings of the Committee, I occasionally took advantage of the privilege I had to read the reports of the evidence; and, for my part, no Committee of enquiry in regard to the North-West has ever been appointed either in this House or in the other that has gathered so much valuable and highly interesting information.

HON. GENTLEMEN—Hear, hear.

HON. MR. REESOR—We must now bear in mind that since we have assumed the position, almost practically of an independent country, we have additional responsibilities thrown upon us; and with all that vast country and its enormous resources as a part of Canada, with its furs, its fisheries, and its minerals—its fisheries in particular, it is incumbent upon the people of this country to see that they are not allowed to be destroyed or diminished in the natural production. In order to perserve them, and to secure the profits of the trade of that country, as soon as it is practicable, and capital and enterprise can be found to build the comparatively short piece of railway necessary to connect Prince Albert, which will soon be connected with the Canadian Pacific Railway, with Athabasca it should be done. We would then have more or less water navigation all the way to the mouth of the Mackenzie river. The comparatively few short stretches of portages could be got over in some other way. As stated in the report, the evidence shows that there are over five thousand miles of lake and river navigation; and three thousand miles, or thereabout, of river navigation comparatively unbroken, fifteen hundred miles of which can be navigated from the mouth of the Mackenzie river, with light-going ocean steamers that do not draw a very great depth of water. The importance, to my mind, of having it down upon the maps, so that parties feeling an interest in that country, and desiring to aid in its development, may see their way to getting in to the fisheries from British Columbia, should not be underrated. Whaling vessels and sealing vessels must all go round by Behring's Sea and into the Arctic Ocean to the mouth of the Mackenzie river, and then, according to the report, there is about five thousand miles of ocean navigation surrounding that territory which give ships going in there access to some of the most valuable fisheries, perhaps in the world. When these ships go in, they will often require to renew their supplies, and if the railway were opened so as to lead to the establishment of trading posts of an extensive character, calculated to supply the wants of settlers and fishing vessels and traders along these rivers and lakes, and fisheries and other interests would be developed, and that vast country would soon become a source of revenue. If these inland seas that really belong to the Dominion, were the property of the United States, we would find the government of that country making

a large revenue out of them, and why cannot Canada do something in that way? As the hon. gentleman from Midland remarked to-day, why should four millions of dollars worth of valuable furs be taken out of that country by the Hudson Bay Company and sent to Europe, when we want all the money we can get to build up and develop this Dominion? The company do little or nothing towards developing the country. They even allow, I am sorry to see from the evidence before us, the Indians to starve, and not very far from their own coasts. Their argument is that if you feed the Indian he will not catch furs. If you give him fishhooks, and the means of obtaining a living in other ways, he will not catch fur, but will stay at home and catch fish; so that he has either to catch furs or starve. Sometimes the Indians have not the means of supplying themselves with the appliances to catch furs, and the winters are occasionally so severe and the snow so deep that they cannot travel the required distances to the hunting ground, and they starve to death. As I stated before, having that country we must assume the responsibilities devolving upon a free and Christian people and see that none of our population, whether Indians or whites are allowed to starve there. We should have our trading agencies, as well as our missionaries, to civilize the Indians, and should have within their reach some means of educating them properly to till the soil so that they would have other resources that would keep them from starving. These Indians have been very little trouble or expense to the Hudson Bay Company, and none to Canada. They ought to be cared for, and if we discharge our duties faithfully as a nation to those unfortunate people, the reward will come back to us one hundred fold. I think it is incumbent upon us to encourage, in every reasonable way, the early building of railways say from Prince Albert up to the Lesser Slave Lake or Lake Athabasca, so as to reach the navigable waters of the country, and after that settlement would regulate the rest. While we leave the country in the isolated condition it is now in, no trade can be conducted with any profit except that which goes to the Hudson Bay Company. Someone has said that the Hudson Bay Company have a monopoly there. They have no monopoly under the law. They enjoy a trade there because they have the best facilities at present for conducting the trade of that country. The law allows any other company, or any other subject of Her Majesty, to go in there now and trade as well as the Hudson Bay Company. Canada has bought and paid for that territory, and we all have an equal right to enjoy it. It may be said that we have a great deal of productive lands in Manitoba and the North-West which are still unsettled. That is very true, but it must be borne in mind, that in Canada, like in other countries, there are many enterprising, perhaps restless spirits who delight going into and developing a new country. Down in South America, in New Mexico, Arizona and Texas; in all these places you will find pushing, enterprising Canadians. Why not make our own territory accessible to those who have enterprise and some capital, and confidence in their own resources? Let them have that field to go into, and let Canadian law extend wherever they go, and there will be a profitable return to the revenue, to the merchants and the traders of the older provinces of the Dominion by the opening up of this vast territory. If it is not too late I hope the Chairman will adopt the suggestion made by the hon. gentleman from British Columbia, that there should be an addition made to the map to show on a smaller scale the whole of that north country, and the routes by which it can be reached most easily. It is not to be supposed that the route by the mouth of the Mackenzie river would be a desirable one for parties to travel by at present, though it is the only practical route at present for fishing vessels going in there. The report of this Committee will be a very valuable basis on which parties desiring to go into that country can make their calculations, and the information it affords will be of great value to the country.

HON. MR. ABBOTT—I do not intend to prolong this debate. If I were to express my own view of the care, attention, intelligence and ability that have

been displayed in collecting the mass of evidence respecting this country which has been laid upon our table, I should be only repeating what has been said before me, and said better than I can say it, by other hon. gentlemen. I shall say this much, however, that I have called the attention of my colleagues to some points in the report, though I have not yet made an exhaustive study of it and these points have excited a great deal of interest in their mind. The area of petroleum has struck them favorably indeed, as a probable enormous source of wealth, and I think they are all determined to follow the advice tendered them by the report, to constitute some of the area described in the report as a reserve in order that it may be used hereafter for the benefit of our own people and as a source of revenue both for individuals and for the country. I must remind my hon. friend who spoke of the settlement of this country, that it has not yet been surveyed. It is at present absolutely a reserve. It is not available to settlers to be squatted upon. It is not in a condition to be acquired by them, or to have any title by taking possession of any part of it, but I am confident that before long they will take the precaution of making this most important part of it in one sense a reserve, in which it will be impossible for anyone to acquire a right, possessory or otherwise. In other respects, I believe this report will afford valuable information for steps to be taken hereafter for the development of a portion of the country to which it refers. I imagine that for the moment we have room and space enough for settlers, and there will be no occasion for stimulating the use or occupation of that part of the country ; but it is an important thing to have such a foundation as this report, and the evidence brought before the committee to lead to further inquiry and investigation into the condition of this country, its advantages and facilities in advance of the time when we may find it necessary to occupy it. I can only repeat the obligations which I think the House and the country are under to this committee, and especially its chairman, for the very valuable collection of evidence and the very important report which they have laid upon the table of this House.

HON. MR. SCHULTZ—As I have already spoken at length upon this subject in moving for the adoption of the Report on Wednesday last, I have now no right to speak again, and I desire to explain that I have not now risen for that purpose, but simply with the consent of the House to read some information bearing upon the subject of discussion which I have received since my speech of Wednesday last ; and also to briefly enumerate to hon. gentlemen who were not upon the Committee, some valuable maps, pamphlets, photographs, and mineral, botanical and other specimens, which will remain upon the table of the Committee Room until Saturday night for inspection by hon. gentlemen.

The first communication I have to read is from Dr. G. M. Dawson, and is as follows :—

GEOLOGICAL SURVEY,
OTTAWA, May 11th, 1888.

DEAR DR. SCHULTZ,—Since my examination before your Committee on Mackenzie Basin, I have been endeavoring to obtain more information respecting the navigation of the Arctic between Behring Strait and mouth of the Mackenzie. I have not been able to find much, but beg to enclose the accompanying memorandum on the subject. If you wish to incorporate in printed report, a small map showing the limit of the pack ice at different times in that region, I shall endeavor to have one made in the office.

Yours very truly,
(Sgd.) GEORGE M. DAWSON.

MEMORANDUM referred to in above communication.

The position of the southern edge of the pack ice in summer, between Behring Strait and the mouth of the Mackenzie, appears to be variable, as a comparison of the accounts of different navigators show. The facts bearing on this subject are not so numerous as might be expected from the considerable number of whalers frequenting the region, owing to the circumstance that these vessels do not keep strict account of their position while cruising for whales.

The general information given on this point in the *United States Directory for Behring Sea and the coast of Alaska, Supplement No.* 1, 1886, is as follows :—

"The ice pack seldom moves more than a few miles off shore between Icy Cape and Point Barrow ; it is likely to close in at any time. A north-east wind, however, though it blows directly along the shore, keeps the ice clear and allows the current to set

up past Point Barrow. The heavy ice, when close in shore, stops the surface current entirely and lowers the temperature to thirty-six degrees or less, so that a vessel working up this shore may readily tell if the ice is on the point by watching the set of the current and the temperature of the water. If the ice is clear off the shore the current will be setting to the northward from one to three knots per hour, with a temperature of forty degrees."

That at such times there is a wide extent of open water off this coast, is rendered manifest from the incidental statement met with in the same publication, to the effect that the barque, *James Allen*, when some degrees east of Point Barrow south east *i.e.*, towards Mackenzie River, "stood north during thick weather, under easy sail, 80 or 100 miles."

The position of ice in Behring Sea in winter, is best shown on map 81, *United States Coast Survey, Report* 1880. In summer on map accompanying Report on the cruise of United States Revenue Cutter *Corwin* 1881

.(Signed) G. M. Dawson,

As giving some interesting information regarding the Upper Yukon whose sources are at the north-western rim of the Mackenzie Basin, and in view of the evidence received that the head waters of our own Peel, Liard and some of the northern sources of the Peace River interlock those of the Yukon, and have the same geological formation and surface desposits of gold, I quote from recent legislative papers of British Columbia the following, which is part of a return made to an order of the Legislative Assemby for copies of the Exploration Report upon the Yukon country by Captain William Moore, and signed F. G. Vernon, Chief Commissioner of Lands and Works, Lands and Works Department, Victoria, 25th April 1888.

Victoria, B. C., Jan. 6th, 1888.

Sir,—According to your request I am putting before you a report and sketch of the Upper Yukon, also of the most practical pass to enter the navigable waters of the source of the Yukon River.

On leaving Victoria by steamer, thence to what is known as Skagua Harbour, Alaska Territory, five miles from the head of Lynn Canal on the east side, which is a safe anchorage, where an ocean steamer of a thousand tons could discharge freight, thence eighteen miles through Alaska Territory, puts us over the summit of the "White Pass" on to the head-waters of the Yukon in British Columbia. The summit of the above pass has an estimated elevation of twenty-six hundred feet, and easy grade can be obtained. A concession will be given this Spring by the Alaskan Government to construct a pack trail through this portion of Alaska Territory.

Immediately on crossing the summit a change of climate is perceptible, there being scarcely any rain and very little snow, averaging in depth from one to two and a half feet.

The estimated distance from the summit to the navigable waters of Takoun Lake is about thirty-two miles, which can be reduced one half of the land travel if the three small lakes (as shewn on the sketch) are made use of either by small steamers or boats. Takoun Lake once entered there are no further obstructions for a stern-wheeled river steamer, excepting the White Horse Rapids and Miles Canon, round which a tramway can be built, a distance of three miles. From there a steamer can proceed to the Behring Sea.

On crossing the summit the country at once opens out low and rolling within the valley, which is from four to ten miles wide, and comparitively open, though along the little lakes and streams it is thickly wooded, with occasional swamps. Timber runs small, from eight to twelve inches, and on nearing Takoun Lake it becomes larger, varying in size from eight to twenty-two inches—consisting chiefly of spruce.

Mountain sheep and caribou are abundant—particularly through this section of country, where good grass and meadow lands are not unusual.

The climate and timber in fact resembles very much that of Cassiar, as I learn from Mr. John Grant and others that Dease Lake in Cassiar District did not open until the 13th of June last year, while some of the lakes of the Yukon opened on the 1st of June and others on the 10th.

The rivers open much sooner, as will be seen by the following notes from Mr. Sommers' and my son's log:

"In the Spring of 1886, May 1st, I came down, and had open water all the way in on the rivers, finding the highest water about the 25th of July on Lewis River. The water remained high until the 1st of November, and on the 12th of November slush ice commenced running and continued to run until the 24th of December, when the river closed up.

"I worked my rocker on a low bar below the Hodelinga until November the 15th. The river commenced to open in places on April 20th."

According to information gathered from reliable sources:—From the 1st of May to the 15th of July there has been taken out at least one hundred and fifty-thousand dollars, three-fourths of which was taken out on Forty Mile Creek, as when a party of men came out early last Spring on the ice and confirmed the statement of the strike of coarse gold on Forty Mile Creek, most of the men from Lewis River and the Hodelinga,

went right down to the new strike, which only left eight miners on the Hodelinga, and seven on Cassair Bar and the vicinity, four men on Pelley River, fifteen on Stuart's River and seven on Sixty Mile Creek.

With regard to the richness of Forty Mile Creek. Miners would not work eight-dollar diggings, they did not consider that amount as wages. They did make all the way from ten to one hundred and twenty-five dollars per day.

George Ramsay took out fifty-four dollars the first day he worked on Forty Mile Creek, from ground which had been abandoned by other miners, and made quite a little stake, so much so that he will start from Juneau for the mines again about the 1st of February with a stock of goods, included in which is one item of a hundred pairs of gum boots. Mr. Ramsay is an old Cassair miner and a man of experience. Mr. Sommers, who worked on Forty Mile Creek and came out in company with me from Pelly River, told me that he did take out fourteen hundred dollars in eighteen days, which I know to be so, as I saw the gold, most of which was coarse.

M. Duvall and Joseph Gazelais also travelled out with me and had their gold dust weighed at Mr. Healy's store, at the head of salt water; the former having eight hundred dollars and the latter twelve hundred dollars.

Single individuals have come out from the mines this fall with from two hundred to thirty-seven hundred dollars apiece on arriving at Juneau.

I do not know of a miner who has worked from fifteen to twenty days, that has come out with less than two hundred dollars, and I have seen and conversed with the most of those who came out.

Forty Mile Creek, as it is termed by miners, is in fact considerable of a river, being a quarter of a mile wide at its mouth. Coarse gold has been found along this stream in the various places for a distance of one hundred and twenty miles. It appears that the gold varies in quality along the river at every gulch and zag. On some of the bars it is very fine, which necessitates the use of blankets or quicksilver, while other bars yield very coarse gold varying from five cents to thirty-six dollar pieces.

A few of the gulches emptying into this (creek or) river has been partially prospected, where gold has been found; but owing to the ground being frozen very little prospecting was done, with the exception of one gulch, eighty miles from the mouth, which has been prospected, claimed, and staked off. This ground prospected from twenty-five cents to one dollar and fifty cents to the pan. Mr. William Stuart and Mr. Franklin, the discoverers of this gulch, are located near the mouth of the gulch, where it empties into Forty-mile River, and they have prospects of seventy-five cents to the pan, in the gravel, This gulch has been staked off for six miles from its mouth up, most of the claims of which have been laid over until next July on the representation of frozen ground and a scarcity of water, also that they (the miners) would have to clear off the timber and moss before it could be worked to any advantage: The source of this Forty-mile River heads close to one of the upper branches of the great Tananah River, which empties into the main Yukon at Nuklukahyet.

Forty-mile River has got more fall than the most of the streams in this country, although not so much as those of Cassiar and Cariboo, which makes it difficult for miners to get water for their sluices, consequently mining so far has been all done with rockers.

Some miners will take in steam pumps with them this spring. It is the opinion of practical miners that when the moss and timber is cleared off along the river sides and gulches (similar to what miners were obliged to do in Cassiar), the diggings will be extensive and rich.

The reason why miners left their ground in the latter end of July and early part of August, was that the supply of provisions had run out, causing some of them to live on flour straight. When the little steamer "New Racket" arrived at Forty-mile Creek on the twenty-fifth of July from St. Michael's with eight tons of provisions (a portion of the old stock, as the new stock had not yet arrived by the Company's steamer from San Francisco), a large number of miners were obliged to come down to the mouth of the river and await the arrival of the steamer, and when she did arrive with the above small amount of eight tons, t was sold in one day, and as the miners were not certain that another supply would be up, they began to start out, a great many more of whom would have wintered there if they were sure of getting an assorted supply of provisions.

It will be remembered that the trip out is a very hard one, owing to having to travel over five hundred miles against the current, and a string of lakes of over one hundred miles long, where continual southerly head winds prevail at this time of the year, often blowing heavily, compelling miners to camp for three days at a time, whereas steamers would accomplish the same trip in five days, as it is no trouble to run night and day on these rivers. From one hundred and twenty to one hundred and forty miners are wintering on and in the vicinity of Forty-mile River.

Nelson River, which was struck in the early part of August, fifty miles below Forty-mile River, has also a few men wintering there, where coarse gold has been found to pay two ounces per day to the man.

Provisions were sold at the mouth of Forty-mile River by Messrs. Harper, McQuesten & Co., who are the sole importers for the mining section by way of St.

Michael's, at the following rates:—Flour, $17.50 ℔ 100 lbs.; beans, 20c. ℔ lb.; bacon, 40c. ℔ lb.; sugar, 33c. ℔ lb.; butter, 75c. ℔ lb.; dried fruit, 25 c. ℔ lb; which is considered by all miners of experience as being very reasonable, and all of whom speak in great praise of Messrs. Harper, McQuesten & Co. as the most moderate and fair-dealing merchants they have ever met with in any mining camp.

Every stream entering into the Upper Yukon has gold in it. The best paying bars of this section, so far as discovered, are situated from the mouth of the Hodelinga River down about seventy-five miles. Cassiar, Densmuir's, and McCormac's Bars, as marked on the sketch map, are the best paying ones, yielding from eight to forty dollars per day; also up the Hodelinga River at different places the above pay has b en obtained.

What is now termed the Hodelinga River is entitled to the name of Yukon, as it is double as large as the Lewis at their junction, being a broad gentle stream, flowing from three to four miles per hour and navigable up to Arklun lake for river steamers, then then through this lake into what is called a continuation of the Hodelinga for another one hundred miles. Howe and Bennett's party travelled up this river eighty miles and found gold all the way, but not enough to induce them to stop and work. The Indians state that they can travel from the head of the above river to Sylvester's Landing, on Dease River, in three days.

White River, one hundred and twenty-five miles below Pelly River, is navigable for about eighty miles, and prospects of five and eight dollars per day have been found. The upper portion of this river is a great resort for caribou, moose, and beaver.

Stuart's River, fifteen miles below White River, is navigable for about two hundred and fifty miles. The estimated amount of gold taken out of this river in the seasons of 1885 and 1886, is about one hundred and forty thousand dollars. There being very little fall in this river, miners experience considerable trouble in working sluices. Some parties are now negotiating to take steam pumps up there, as there is plenty of fine gold diggings on this stream which will pay from ten to fifty dollars per day with sluices. It is known that miners have made as high as one hundred and forty dollars a day with common rockers, although the gold was minutely fine.

Sheep River, about ninety miles below Forty-mile River, is the boundary of Alaska and the North-West Territory, according to Mr. Ogilvie's reckoning.

Timber on Forty-mile River, principally spruce, ranges from eight to twenty inches diametea. Cold weather has been exaggerated in this section. According to Mr. Mersie's annual report to the Washington government, for ten years previous to 1886, cold did not exceed sixty-nine degrees below zero, which was only on three different occasions. The above notes were given to Mr. Ogilvie at Montreal.

Most of the miners will winter at the mouth of Forty-mile River, where Messrs. Harper, McQuestion & Co. have built a large warehouse and three dwelling houses.

Miners find no difficulty in keeping their cabins warm and comfortable by making use of Russianovens, which are very simple to build, as they are made of stone in the shape of a large box-stove, from three to four feet long inside, from eighteen to twenty inches wide, and the same in depth, with an iron plate on top to cook on. The chimney is built of the same material. Miners who wintered here last winter and the previous winter went out every day to cut their regular fire-wood, and so far no severe cases of frozen limbs have occurred.

Indians travel and live in brush houses all winter. They subsist chiefly on dried moose, caribou meat and fish.

Brown and black bear, caribou, moose, lynx and wolverines are numerous through this section, but they must be hunted. Beaver are found principally on the heads of McQuesten (which empties into the Stuart), Pelley and White Rivers. Black and silver-grey foxes are not uncommon; martin are abundant.

Caribou generally travel in bands. There has been known to be as many as five hundred in one drove, and during severe snow storms, when snow lies too deep these animals "yard up," that is, they all collect near a spot of timber where they can brouse and have shelter, then commence to tramp the snow down all round, so they can more easily walk to different trees. It is when they are thus situated that the hunter generally succeeds in making what he terms "good killing." When travelling through deep snow these animals each takes in routine his turn to "break up." When the leader becomes tired he steps to one side and takes the rear until his turn comes round again.

Moose have been known to dress as high as eight hundred and a thousand pounds. They confine themselves to a lower altitude than caribou.

Salmon are very plentiful in season—large and fat. They keep in good condition as high as Forty-mile River and Pelly, a distance of about eighteen hundred miles from the Behring Sea. Instances have been known where they have been caught weighing a hundred pounds, but their average weight runs from twenty to fifty pounds, for which miners pay respectively fifty and seventy-five cents to Indians. Grayling, a species of white-fish, and mountain trout are also plentiful.

Indians on the Lower Yukon, from Forty-mile River down, prefer trade to money, while the Chilcoots and Upper Yukon Indians take cash in preference to anything else. These (latter) Indians work

gether, and keep the prices of their labour up, often making from eight to fourteen dollars per day, and will simply laugh at a man if he offers them a dollar and a half or two dollars for a day's work, while the former Indians on the Lower Yukon can be hired for fifteen dollars per month.

My son Ben started from Victoria for the Yukon on the 11th March, 1887, joined his brother William at Juneau City, Alaska Territory, and both went in from there together, crossing the lakes on the ice. When they arrived at Forty-mile river on May 30th according to understanding, my son William went mining there, with fair success, and Ben went down as helmsman on the steamer New Racket to St. Michael's, to take notes and make himself acquainted with the river for future steamboating purposes, and returned on the same steamer on July 25th to Forty-mile River, the round trip occupying fifty-three days. From there he came out to Pelly River, where he joined me. The following are a few notes from his log after leaving Forty-mile River for below:—

"June 2nd—Left Forty-mile River at 9 a. m., on the steamer New Racket. This steamer is 55 feet long, 13 feet beam, and 3 feet depth hold. Her cylinders are 6 inches diameter by 30-inch stroke, and fire-box boiler, which burns two-foot wood. Average speed from eight to nine miles per hour.

"Stopped at one of Harper and McQuesten's trading posts, 60 miles below Forty-mile River, at 3 p.m. Took on a large quantity of furs, principally fox, beaver, bear, and martin. Also took in tow a ten-ton lighter, and started again at 5 p.m. Stopped three miles further down, and chopped wood for the steamer's use. Got under way again at 11 p.m., and run all night.

"June 3rd—100 miles above Fort Yukon. The river along here begins to widen out very much, with a great number of islands and different channels, making it very difficult to find the right one.

"Passed Fort Yukon (which lies just inside the artic circle) at 9.15 p.m. The fort is now and has been entirely deserted for a number of years. The country along the river valley here is comparatively flat and low, and about ten miles wide, including the islands, with shallow water in places in the main channel, that is from 4 to 6 feet. We use no lights whatever aboard the steamer, as it is quite light all night, being sunset at 10.45 to-night.

"The Porcupine River, a large stream, puts into the Yukon about two miles below the fort near where the old stern-wheel steamer Yukon lies sunk on the star-board hand going down. There is said to be musk-ox on the upper branches of this river.

"The river from Fort Yukon makes a long bend, nearly due west, for a considerable distance. Stopped to chop wood at 10.30 p.m.

June 4th—Started at 4 a.m.; stopped a couple of hours at an Indian village until Mr. Harper did some trading, and there heard the sad news of the murder of Bishop Seghers; stopped at an Indian village some miles further on where there was a number of Indians in birch bark canoes, which are very light, one Indian easily carrying a canoe that holds from four to five men. These canoes are very neatly made, the ribs being whittled from thin strips of birch, with gunwales of the same material, to which the bark is bound with very fine strips of dried roots, which resemble small bamboo split in two, and is very strong. The seams where the bark is bound on to the ribs are made water-tight with heated pitch gathered from trees, and when it becomes cold makes these little crafts thoroughly water-tight. Tied up for wind at 12 o'clock midnight. Noticed large trees in places, 25 feet from the present stage of the river, torn up by the roots and shattered into splinters, caused by the heavy grinding and jams of ice when the river breaks up early in the spring.

"June 5th—Started at 8 a.m.; tied up at 10 40 a.m. to fix a joint in the steam-chest. The Indians through this section use their dogs in large sleighs eight and ten feet long, having as many as ten to one sleigh; the Indians also use these dogs to pack stuff; very often they have from fifteen to twenty in one train, and with from forty to sixty pounds on their backs. These dogs have to depend entirely on themselves for food, and during the winter they see a hard time; some of them are good hunters, for which purpose they are also used, but they will steal anything in the shape of food; their heads look very much like a fox's. The Indians and traders place as much value on their best dogs as we would for a good horse. Indians are obliged to keep all their dried meats and food in caches about fifteen feet from the ground. The average size of these dogs run about the same as our large collies.

"Stopped at a trading post at 7.30 p.m., where there are a large quantity of mammoth remains buried in the ground. The salmon run had not yet passed up. It is high water now on the Yukon. The chief of the Yukon tribe took a ride with us to-day. He is now about 70 years old and was once of great influence among his tribe. The natives here use their bows and arrows principally during winter in order to save ammunition. Game is not so plentiful here as it is on the upper river.

"Arrived at the head of the lower ramparts at 11.30 p.m., where the river is once more confined for a distance of 150 miles. The mountains along here come right to the water's edge, and very few islands.

June 6th—Arrived a the rapids, fifty miles above Nuklukahyet, at 10 a.m. The river at this particular point is very much confined being o ly about 600 yards from bank to bank, although the current does not average over six miles per hour, being very deep. A rocky ledge is situated in the centre, but

is all covered at this stage of the water. Sheffland's Gulch, ten miles below the rapids on the starboard hand, is said to have yielded ten dollars per day. Arrived at the Company's trading post at 5 p.m.

"The Yukon River broke up here on the 21st of May, and was clear for navigation on the 28th. The Tananah River, a large stream, puts in on the port hand about ten miles above the post, which is also called Nuklukahyet, although the original Nuklukahyet is at the mouth of the Tananah River. About fifty Indians arrived here from the upper Tananah River, in birch bark canoes and on rafts, this afternoon to trade their furs. I saw a mammoth tusk here six feet long and weighing one hundred pounds, curved in shape and running gradually to a point on one end, with no signs of decay whatever.

"June 7th—Left the post at 8 a. m, Strong westerly wind and very cold all day.

"June 8th—Arrived at Kokerine's trading post this morning at 3 o'clock, and left at 4 a.m. Weather still cold and raw. Saw the last camp where Archbishop Seghers slept (and was cruelly murdered), situated on the starboard hand, 30 miles above Nulatto.

"June 9th—Landed three prospectors, A. Brown, F. Moffat, and Mr. Powell, at the mouth of the Kiynkuk River, to the head of which they intend to travel, where there is said to be prospects of $15 per day.

"Arrived at Nulatto at 6.30 a.m. Left again at 7.30. Passed an Indian village 40 miles further down, where there is a portage to the sea coast of 60 miles, while by the river it is 280 miles.

"June 10—Laid over 9 hours to procure fire-wood. Weather fine. Stopped at a place on the starboard hand, a few miles above Anvick, where we dug a few shovels of very good looking coal. It lies close to the river's edge. It burned very well in the furnace. Mr. Harper is of the opinion that by working into the bank a large quantity could be obtained, as it has probably slid down to its present position from further up the hill. Arrived at Anvick at 12 m. where the Alaskan Commercial Company's steamer "Yukon" was lying, ready to leave for St. Michael's. Was introduced to Capt. Peterson, her commander, and was shewn through the steamer, which was in prime condition throughout. This steamer (stern-wheel) is 80 feet length over all, 20 feet beam, 3½ feet depth of hold, and 9-inch by 36-inch cylinders; makes from eight to nine miles per hour. She has good comfortable house-work and cabins. She cannot stow more than 25 tons freight comfortably. The great disadvantage of these steamers is that they have to tow their freight in barges. The Anvick River puts in just below this landing. Left at 3 p m.

"Stopped at an Indian village this evening, where I saw several large sealskin boats, some 30 feet long and 6 feet wide. These boats carry a heavy load, and keep thoroughly water-tight as long as they are well oiled about once a week. The skin is bound to the frames with sinews. None of the villages passed, so far, possess more than 150 inhabitants, most of whom speak the Russian language.

"June 11—Arrived at the Ikogmut or "Russian" Mission at 8 a. m. The priest shewed us all through his church, established in 1848, in which there are a few very valuable oil paintings and decorations. Procured a fresh supply of provisions and left at 10 a. m.

"June 12th—Arrived at Andrieffska at 5 a.m., an old Russian fort, situate about 180 miles from St. Michael's, and the last place of any note. The tide backs up to this place. We see thousands of geese and swans all along the river banks and low lands, where they have their nests amongst the tall trees. We are now obliged to depend entirely upon drift wood for the steamer's use, as no other wood can be procured to any advantage after getting below the Mission, but we have experienced no trouble whatever on the upper river in getting fire-wood, wherever we wished to stop. It consists chiefly of spruce. No pine at all.

"Left Andrieffeska at 6 a.m. Weather very cold with a thick fog. Fifteen miles below this place the last mountains were left behind, and away off to our port a large lone mountain can be seen, rising abruptly from the water which is called the Kuselvack mountain. It is diamond shaped and partially covered with snow. Stopped 40 miles further down to get wood. Entered the Aphoon Slough at 5 p. m., which is a vast cut-off for us. It is 45 miles long, and opens out on the sea-coast 80 miles from St. Michael's. Stopped to cut drift-wood, and shot two large swans, measuring 6 feet across the wings from tip to tip. The Indian deck hands called a flock of geese right close to the steamer by imitating their squaking, which these Indians can do so well that the whole flock circled round within a few feet of the steamer. In the meantime the Indians lost no time in succeeding to shoot four, two of which fell aboard the steamer.

"June 13th—Started at 1 a.m., turned into a little river called the Kooklick, about six miles from the coast, where an Indian village is situated. Procured an abundant supply of fresh geese eggs and took in wood.

"The Esquimaux (or Mallamouts, as they are called here (live in underground houses (called by them barabas) with rafters to keep the earth firmly up. The doorway, a hole in the ground about six feet square is situated from ten to twenty-five feet from the baraba, and communicates with the same through a crooked tunnel, which leads first one direction for five or six feet, thence at right angles another

direction. At each of these turns hangs a large skin, forming a loose curtain doorway. The tunnel and doorways keep the cold air and winds from striking directly through into the baraba. The chimney, a hole in the centre of the roof about four feet square, is covered over at night with a very thin transparent skin. These natives are very short and stunted, and subsist chiefly on fish, geese, fowls and eggs. They are fat with large heads, and when they are seen crawling out of their tunnel doorway clothed in parki furs, which are made with a hood all in one, they resemble some wild animal. They use small seal-skin canoes (or as called by them, bidarkies) which hold from one to three men, with round holes on the top, where they sit flat down in the bottom; the balance is all covered over, so as no water can enter. In these they go out a long way from land to hunt seal, killing them with bone spears. They take tobacco and tea in trade in preference to any other article. The stronger the tobacco the better, of which they make snuff, and use it in this way rather than smoking it.

"June 14—Started out this morning at 4 o'clock. The slough here in places is very shallow, and anchor ice lies on the bottom, obliging us to have the flood tide to go out on, although we run aground a couple of times, but soon backed off again. This (the Aphoon) mouth is the most northerly outlet of the Yukon. The distance from here to the most southerly (or Kuselvak) mouth is about 45 miles. The tide here has about ten feet rise and fall. Run out to within fifteen miles of Point Romanoff, where we sighted a large field of ice and large icebergs. Could not find an opening, therefore were obliged to run back again and anchor. Weather very cold to-day, with north-easterly wind, our barge in tow being covered with ice.

"June 15th—Started out again this morning at 6 o'clock. Found an opening and succeeded in getting through the ice. The coast along here is very bold. From Point Romanoff to the canal we made good time, as the weather began to look threatening. From Aphoon Slough, or Pastolik Bay to the canal is open to the full sweep of westerly winds and sea, but there are small rivers, putting in where we could get shelter if necessary, though for a large steamer drawing more than six feet it would be difficult to get into the mouths of these streams. Arrived at the canal, twenty miles from St. Michael's, which separates St. Michael's Island from the mainland, and is quite a cut off for us. This canal is not more than fifty feet wide in some places and very crooked. It runs through a low flat country of about twenty feet elevation and very shallow in places, being necessary to have high tide in order to get through.

"Arrived at St. Michael's at five p m. Weather very cold, with north-easterly wind. The Company's steamer "St. Paul" had not yet arrived from San Francisco. Our passengers, J. Sitz, Father Tosi, and two others, bid us farewell, and went ashore to await the arrival of the "St. Paul," by which they intend to go to San Francisco.

"Mr. Henry Newman, agent for the Alaska Commercial Company, paid us a visit to-day. He expects their steamer "Dora" here from San Francisco in a couple of days, from where she started twenty-eight days ago.

"St. Michael's Island is a very inhospitable shore, neither possessing firewood or fresh water. The former is obtained by sending their steamer outside twelve miles from where she loads, and tows barges with driftwood in. The latter (water) is procurred three miles from here. The natives melt snow in place of water. There is about twenty feet rise and fall in the tide here. Considerable snow and ice lies on the beach. Had a snowstorm to-night. We intend to start up river again, after the arrival of the "Dora," with supplies for the miners on Forty-mile River, who were short of provisions when we left there."

(Signed) WILLIAM MOORE & SON.

I have quoted a considerable portion of this report from which it will be observed that the climate become milder the higher up the Yukon the party got or in other words the nearer they approached the North-Western rim of the Mackenzie Basin, and the difficulties they encountered points to the easier supply of these great aurifeous areas from the east ratherthan as heretofore from the west. Some of the details also illustrate the physical condition of the country, its animals and the size of its fish showing the marvellous size and quantity of fish life in the far north. I will now briefly mention the specimens referred to, and as serving to illustrate the size of some of the inshore sea animals of the Artic border of the county under investigation. There are a number of photographs and specimens lying in room seventeen, which will be left there for a day or two for the inspection of hon. gentlemen, and among the photographs, which have been beautifully taken by Professor Bell, may be mentioned that of an Eskimo propoise hunter, with his sealskin boat, called a kyak, the propoise itself, which is apparently of immense size, the spear and an inflated sealskin bag, called a "dan," with which he is enabled after spearing the animal to prevent it sinking into deep water and being lost.

There is also a fine view down the Churchill river which represents a broad fine river, 70 miles above its mouth. As serving to indicate the character of the barren grounds near the shore of Hudson's Bay, there is a photograph of a Chipewyan camp near Fort Churchill, where the vista is utterly treeless, but there is apparently a slight vegetation in the valleys of the low undulating, rocky hills. There is another view more northward on the barren grounds, which appear perfectly flat, and another view still farther north of gently rolling country, in the valleys of which appears vegetation of a scrubby character. Still farther north and within the Arctic circle, is a very fine photograph of a Musk Ox, the long shaggy hair of which clearly illustrates how it is possible for him to spend even the winter in that desolate region. The horns shown are very peculiar, being curved downwards then towards the front, like and yet unlike a ram's horns, and this animal appears as if he was quite able to defend himself against any possible enemy. Another interesting photograph is that of a deck of a ship on which an enormous polar bear has just been hoisted on board. His length seems to occupy the space between the bulwarks and midship, and the weight is given at 1500. In the south and west of this desolate region is given a view of the head of one of the portages in which deciduous trees branch out over a beautiful stream in the neighborhood of evergreens, and the York boat, which is a Hudson Bay Company's freight boat, of a capacity of four or five tons, used everywhere in the interior of the country, is attached to a bank on which the grasses and vetches seem to be very luxuriant. Two other views of special interest to many are the ruins of Fort Prince of Wales, which was erected by the Hudson Bay Company, as hon. gentlemen know, on one side of the harbour on Churchill River, and was intended to be a defensive fortress for that great depot of inland trade. The walls are very thick and of heavy masonry, and are pierced for heavy guns, the intention being to defend their large fur-trading interests from possible attacks from French war-ships, with which country England was then at war. However, the result proved that it was not impregnable. La Pevouse, a distinguished French admiral, appeared before the harbour and there being insufficient force to resist the large naval and military force which he landed, the Fort capitulated, and the walls were undermined and blown up and left in the present dilapidated condition, as shown in the photograph. The Hudson Bay Company then found that an apparently smaller river, the Nelson, was better fitted for being defended on account of the shallow water on the shore, and if more circuitous, it was an easier method of access to the interior for the import of their supplies and the export of their furs at York Factory, their present post a little distance up from the mouth of the Nelson river, which became then the Hudson Bay depot of supplies.

Some of the other photographs are particularly worthy of notice and will be left upon the table of the Committee Room for a couple of days for the inspection of hon. gentlemen. In addition to these photographs there is a photographic map, showing the North American, European and Asiatic Continents, the Atlantic Ocean and the North Pacific. On it have been placed indications of the tropic and polar currents, which form the Polar and Gulf stream on the Atlantic, and the Japanese current on the Pacific, which is an interesting study in connection with the climatology of the various regions.

Some interesting specimens are also upon the table regarding the surface deposit, called mineral tar or Mackenzie pitch, which is the surface indication of the petroleum beneath. There are interesting specimens of Arctic and sub-Artic fish life, the Heavnes salmon found in all the rivers of the north and east, except the Mackenzie itself, which is the only water of the world in which is found the "*Inconu*," Salmo Mackenzie. Some fine specimens of Back's grayling, the beautiful little game river fish so common in the Mackenzie Basin, and also of the "capelin" whose presence in the Arctic coast indicates the presence of cod. There are also samples of salt in large crystals which are as pure as the rock salt in England, but now presenting

slight surface impurities, probably needing re-crystalization until the beds below from which it comes have been reached. There is also a pair of tusks of the walrus, showing the teeth. These tusks produce an average kind of ivory, while the Narwhall tusk produces, it is said, the finest kind of ivory such as that used for billiard balls, and is worth, I am informed by Professor Bell, $75 per tusk. The same gentleman also informs me that the antediluvian ivory from the Mammoth has been found on Porcupine river, near Mackenzie, and also that he obtained the teeth of the mastodon and Mammoth on the shores of Hudson Bay, showing that there may be some truth in the rumor current in these northern parts that there is an island in these regions on which there are many elephants tusks. There would be nothing remarkable, scientifically, if such were found to be the case, as one of the present sources of ivory of commerce is an island on the north coast of Siberia. In fact there is said to be a great deal more ivory brought from there than from Africa or India. This is an important point touching the possible future resources of this country, if it be true, as stated that elephants are being killed off more rapidly than they are being reproduced.

There is also an interesting speciment of gypsum. Also specimens of wheat grown in the northern country and a small portion of the Chippewyan wheat which was shown at the Philadelphia Exhibition in 1876, and there took one of the first prizes. Also barley from the northern district in the neighborhood of the Arctic circle and these are side by side with specimens of Russian grain from the extreme north of Europe, and it is worthy of remark that the Canadian grain grown in these Northern regions is far heavier and fuller and apparently better than that of Russia.

Hon. gentlemen will also find upon the table a number of pamphlets published at various times by Professor Bell, the gentleman before referred to and to whom I am much indebted for information of very great interest, as bearing upon the forests of Canada, the geological distribution of our forests, trees and minerals resources of Hudson's Bay, and other natural resources. Hon. gentlemen curious in the matter of the navigation of the sea-coast and lakes will find upon the table the Admiralty charts, which give the coast outline and soundings of Behring straits and sea, and of the north coast of Alaska, and our own north coast as far east as Wollaston Land—Wollaston Land it must be understood by hon. gentlemen being several hundred miles east of the mouth of the Mackenzie and a region where the whales and inshore fishes and mammals are found. There are also upon the table, some interesting specimens of mosses from the barren grounds and their neighborhood. Two varieties were stated in evidence to be the favorite summer food of the caribou, and two other varieties being from the boughs of small trees bordering the barren grounds, and therefore more easily procured, and forming a portion of the winter food of that animal. There are a number of Arctic and sub-Arctic plants furnished also by Prof. Macoun ; three varities of berries which furnish the principal food of the geese and ducks which breed there, also the saskatoon, crow and bear berries, as well as specimens of Labrador tea from many place in the Mackenzie Basin, and to hon. gentlemen who care to have an idea of the extreme northern flora, these are well worth examining. There are also several specimens of wheat from Mr. C. N. Bell, Secretary of the Winnipeg, Board of Trade, who states in a communication that these grains were grown in northern districts where the frost is still in the ground some distance under its roots in July, and yet the grain exceeds in quantity and fullness some of the best Minnesota grains, which he also sends to afford the Committee a comparison between them. Among the maps which lie upon the table there is a very large one, carefully prepared by Dr. Bell as the result of many years of observation, which served to show at the late Indian and Colonial Exhibition to Englishmen of other colonies the immense range of some of our most valuable timber trees in this country, and indeed comprising the ranges of all the timber trees in the country.

This map will remain upon the table also for a couple of days for inspection by hon. gentlemen. Another map furnished by Professor Bell, shows the geology of the whole Dominion, including the Arctic regions. It shows among other things the immense deposits of coal in these northern regions, and the islands north of the northern part of the region under consideration, also the copper-bearing rocks of the Coppermine river region, the lignites of the region and also its petroleum. This map is very large, and worthy of careful inspection, as it has unfortunately never been published. Some very interesting maps, specimens and phamphlets are also upon the table, well deserving of careful examination, furnished I may state by the author Dr. Dawson, of the Geological Survey, who gave most valuable evidence to the Committee, and who has only lately returned from an investigation ot the western rim of the Mackenzie Basin, and in former years made a scientific exploration of some other portions of that vast country.

The motion was agreed to.

VICTORIA COLLEGE BILL.

BILL WITHDRAWN.

The order of the day being called for the second reading of Bill (J) "An Act to incorporate the Victoria College."

HON. MR. ABBOTT moved for leave to withdraw the bill.

The motion was agreed to.

THIRD READINGS.

The following bills, passed though Committee of Whole without amendment, were read the third time and passed:—

Bill (60) "An Act to Amend Chap. 27 of the Revised Statutes respecting the Department of Public Printing and Stationery." (Mr. Abbott.)

Bill (108) "An Act respecting the advertising of conterfeit money." (Mr. Abbott.)

CUSTOMS ACT AMENDMENT BILL.

THIRD READING.

The House resumed, in Committee of the whole consideration of Bill (92)" An Act to amend chapter 32 of the Revised Statutes respecting the Customs."

In the Committee.

On clause 34.

HON. Mr. POWER said—As the law stands now the Customs officers have a right to examine the books of the importer respecting importations made within three years. It is proposed to extend the period to six years; and the importer is obliged to furnish for inspection his books, accounts, etc, running back over six years or he incurs a penalty not exceeding $5,000. It occurs to me that, when the Custom House officer has the right to go back through a merchant's book for three years, that is enough. It is to be assumed that the Custom House officers do their duty, and the merchant tells the truth, and anything that dates back longer than three years before the commencement of proceedings, I think should be be let go.

HON. MR. ABBOTT—My hon. friend will see that the right to collect duties is not limited by three years or proposed to be limited to three years. In fact the right to collect duties is not limited to any period after the time they should be paid, and they are collectable at any time. The recovery of penalties is limited to three years, but not the collection of duties. Then why should the examination of books be limited to three years?

HON. MR. POWER—This amendment makes the penalty $5,000 for not handing over the books.

HON. Mr. ABBOTT—It is a most important clause: one without which it is difficult in certain cases to obtain any remedy at all. There was a case, within the last two years, in Montreal

where a series of frauds were detected, and the evidence was obtained that these frauds had been going on for years. Demand was made for the books and before any steps could be taken the books were destroyed. They could not be found, and the Government could not have access to them. The Custom House authorities have no doubt, from the evidence they had, that the loss sustained by the Crown was very great indeed, and it is necessary to make the penalty something important, because the amounts at stake are very often important. If a man should get off from showing his books by paying $1,000 when he owes $10,000, he would destroy the books and pay the $1,000. This is a remedy against fraudulent debtors which the Government ought to have,—but books are never asked for except there is a good reason to suppose that the merchant has been guilty of some fraud or suppression.

HON. MR. POWER—The hon. gentleman is not directing his argument to my objection. My objection is to extending the period from three years to six years.

HON. MR. ABBOTT—My hon. friend not only objected to the period, but to the amount of the penalty.

HON. MR. POWER—The increased penalty.

HON. MR. ABBOTT—His objection is directed to both. I answer him in this way: with regard to the time I say the period within which the arrears of duty may be recovered extends beyond three years: then why limit the time for obtaining evidence to three years? The time is extended because the right to collect duties exists longer than the period originally fixed. The penalty is extended because it was found it was not sufficient to prevent the kind of fraud it is directed against.

HON. MR. REESOR—I think the provision is a good one. It will have the effect of making merchants careful to take a straightforward course and pay their duties and present correct accounts to the Custom House officers. If they do that, they need have no fear of having their accounts ripped up for years back. It will have a wholesome effect on them. I do not see that any merchants here are making objections to this provision.

The clause was adopted.

On clause 45.

HON. MR. POWER—This section is a little stringent. It provides

"If any entry passed at any Customs house is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited."

The original section which this replaces provided that if the oath made with regard to any entry is willfully false in any particular, etc. That was not quite as sweeping as this, I think if an entry is false to the knowledge of the importer or owner of the goods, then it is a proper thing that the goods should be forfeited, but suppose the owner does not happen to be at home, as is sometimes the case, and the entry is made by someone else, say by a clerk, and the entry is false in some particular point to the knowledge of the person who makes the entry, it would be unfair to impose a penalty on the owner.

HON. MR. ABBOTT—If it were otherwise see what a door it would open to fraud. All the owner would have to do, would be to stand aside and let his clerk enter the goods, and perpetrate as many frauds as he pleases on the Custom House. That is one evil which the alteration of the clause is intended to remedy. By whom is the oath made? We have a common saying about the reliability of Custom House oaths. The oath is made by a broker in nineteen cases out of twenty, who knows no more about it than the man in the moon. In order to remedy that defect the oath necessary for the entry must not be false to the knowledge of any person connected with the entry; and in that way the owner is responsible for it, because he is

connected with the entry, and must know the true price. The clause was adopted.

HON. MR. WARK—I have always thought that where extensive changes were to be made in a law the better plan was to repeal the act altogether and embody the amendments and the portion of the law which remains on the Statute Book together in one act. This is a law in which every importer is interested,and it is very embarrassing to the merchants to be obliged to get the revised statutes and get this act and make out exactly what the law will be. The Minister of Customs owes it to the public to get an epitome of the law, as it will stand, printed in pamphlet form so that every person can know exactly what the law is. He ought to employ an expert to perform this work and it ought to be submitted to the Minister of Justice, so that there will be no misunderstanding. Every merchant should have it on his desk and have it in such a form that it cannot be misunderstood. I make this suggestion and hope that the step will be taken.

HON. MR. ABBOTT—My hon. friend will see that no clause has been amended except by repealing it altogether and substituting a new clause, so that there will not be any difficulty in ascertaining what the statute is. I think it is the practice that a pamphlet containing not a synopsis of the law, but the exact law as it stands, is issued by the Department to those who desire to consult the law.

HON. MR. GOWAN—By presenting it in a convenient form, as suggested by my honourable friend, it would be a great advantage to merchants and others who have frequently to consult the law.

HON. MR. DEVER—Where customs papers are being made out, the necessary portion of the act is embodied on the papers, so that no entry clerk need go astray or be deficient in knowledge of the portion of the act under which he has to make the affidavit.

HON. MR. MACFARLANE, from the committee, reported the bill with certain amendments, which were concurred in.

HON. MR. ABBOTT moved the third reading of the bill as amended.

The motion was agreed to, and the Bill was read the third time and passed.

The Senate adjourned at 9.50 p. m.

THE SENATE.

Ottawa, Monday May 14th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings

CENTRAL RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Banking and Commerce, reported Bill (69) "An Act to confirm a mortgage given by the Central Railway Company to the Central Trust Company of New York, to secure an issue of debentures," with an amendment.

He said—In explaining this amendment I have merely to observe that it makes no change whatever in the meaning of the clause which is altered. It was considered by the Committee that the words used were rather too loose in expression, and required to be somewhat guarded. We therefore make this change, instead of saying that the railways in connection with this railway should be considered works for the advantage of Canada, they specify this railway and the one with which it is connected, excluding railways which may hereafter be built.

HON. MR. WARK moved that the amendments be concurred in.

The motion was agreed to, and the Bill was then read the third time and passed.

SECOND READINGS.

Bill (80) "An Act to provide for the winding up of the Bank of London in Canada." (Mr. Macdonald, Midland.)

Bill (97) "An Act to amend the Act to incorporate the Board of Management of the Church and Manse building fund of the Presbyterian Church in Canada, for Manitoba and the North-West." (Mr. Sutherland.)

THE WHITE DIVORCE CASE.

HON. MR. MCKINDSEY moved

That the fee of $200 paid to the Clerk of this House by Mary Matilda White in presenting her petition for an act to dissolve her marriage with David Crystal White be refunded to her, less the expenses incurred.

He said—The deposit in this case, I believe, is intended to indemnify the House against the costs incurred in reporting and printing the proceedings of the case, and the general rule of the House has been to return the surplus, whatever that may be, to the petitioner.

HON. MR. POWER—I should like to ask if this includes the twenty dollars which the Committee recommended to be paid to the respondent for his travelling expenses. Is that a portion of the amount to be deducted?

HON. MR. MCKINDSEY—No, it does not, because when that matter came up I opposed, as far as I could, the adoption of the report so far as that recommendation was concerned. I did not think then, and I do not think now that the twenty dollars should be allowed to the respondent in that case. That does not affect the principle which has governed the Senate heretofore in matters of this kind. I had some hesitation, however, in bringing this matter before the House; the nature of the case was such from beginning to end that if I had known it before I accepted the conduct of the Bill, I should have refused to take charge of it. I have been informed since then, on good authority, that the Petitioner in this case being unable to raise this $200, by the same system of deception which she has practised before this House, induced her mother or sister to lend her the money to deposit with the Clerk of this House, and expecting to obtain the property which she claimed from her husband, and which was referred to in the Bill, she was to refund the money. Before I accepted the conduct of the Bill, I insisted that they should strike out that clause which required the return of the property to the Petitioner, and therefore she has no redress. I also, before I made this motion, ascertained whether the solicitor in the cause was going to apply this money to the payment of his costs, and he has declared to me that he has been paid his costs. The only reason I press this motion is that the money, which does not properly belong to the Senate, should go to reimburse the person who was deceived, no doubt, by the Petitioner in advancing it. Otherwise she will be at the entire loss of the amount. I leave the matter with the House. They can do as they please: it is a matter of indifference to me: but I have brought the motion because it is customary to do so on occasions of this kind.

HON. MR. KAULBACH—If the House should determine to refund the money, it should be less the twenty dollars paid to the respondent. It is quite evident that the Committee felt that she should contribute a portion of the expenses of the husband who came here, not only to justify himself, but in the public interest. It was well understood by the Committee that the reason why the twenty dollars was not taken out of the $200 deposited by the respondent was that the whole of that amount would be absorbed by the expenses of the petition.

HON. MR. MCKINDSEY—I do not think that was ever mentioned.

HON. MR. KAULBACH—That was the understanding of the Committee, and it was only when it was believed that there was none of the deposit left to drawfrom that we took the unusual course of having it voted by the House. I believe that the Hon. Mr. McInnes, who was on the Committee, will confirm me in the statement I make. It is usual for

the House to refund the balance of any moneys paid in on deposit in such cases; but this case was so unusual,so extraordinary, that I believe the woman should be punished in some way, if not by declining to refund the money, then the Minister of Justice should be notified of the monstrous nature of the case, that steps may be taken to prosecute her for perjury.

HON. MR. ABBOTT—Of course I cannot characterize this application in much milder terms than my hon. friend has done, but I think that more punishment would be insufficient, and perhaps not the kind of punishment for this House to recommend. The other suggestion, to call the attention of the Minister of Justice to it, would be more in accordance with our position. I believe that this $200 ought not to be paid back without deducting the $20—in fact all expenses connected with the petition.

HON. MR. MCKINDSEY—I am satisfied, that the balance whatever it may be after paying all expenses, shall be returned to the petitioner.

HON. MR. MILLER—She is entitled to what remains over, as a matter of right, after paying all the expenses.

The motion was agreed to.

SACKVILLE RIVER FISHWAY

INQUIRY.

HON. MR. ALMON rose to

Call attention to the unsatisfactory condition of the Sackville River, in the County of Halifax, and will ask the Government if they intend to grant the sum of $200.00 to improve the Fishway and remove the obstructions in the Sackville River, at the head of Bedford Basin, so as to enable the Salmon and Alewives to get to the spawning ground in the lake from which that river originates?

He said—I wish to explain what the Sackville river is. Halifax harbor is composed of two harbors, the first at the city and the second harbor called Bedford Basin. This harbor is about sixteen miles in circumference, and four or five miles wide. At the top of the harbor, where the railway passes, there is a small stream which we call the Sackville river, and which flows into the salt water. This stream is about fourteen miles long, and originates in Sandy lake, where in old times the salt water fish, which come into the fresh water to spawn, used to desposit their ova—chiefly the salmon and alewives. At one time this streamed abounded with salmon. It was very much fished by people from Halilax, it being only eight or ten miles from the City. In fact, every day during the season there was a quantity of salmon taken out of this river. There has been no salmon, I am credibly informed, taken out of this river by the rod during the last three years. The reason given for that is that although the salmon are plentiful at the mouth of the river the fishway at Coulson's mill is so constructed that it is impossible for the salmon to get through it. When the water is low there is a distance between the dam and the upper water that the fish cannot get over. I have been informed by a gentleman, who is reliable, that he has often crossed the bridge at that place and has seen abundance of salmon in the water trying to get up over that dam. If they could succeed in getting up above the dam, the river itself is blocked with sawdust, slabs and brush, in a way which I am told renders it impossible for fish to get through. Above that is another mill, also with a very imperfect fishway, over which it is impossible for fish to get. Some gentlemen may ask why is this fishway at Coulson's made so that the fish cannot get through it? In the first place it is one of Roger's fish ladders, of which many people have doubts as to its excellence. It is certainly not as good as the old fashioned fishway, and fish have great difficulty in getting up. Mr. Rogers is the inspector of all the fisheries in Nova Scotia, for which he receives a salary of $1,800 a year, and a good many fees in the shape of travelling expenses. He decides which rivers require fishways, and he puts his own fishway into them and receives a royalty of $40 or $50 as patentee. Hon. gentlemen will see that it is clearly wrong. It may be asked is

it not to his advantage to alter this fishway? The fish hatchery is just at the entrance to this stream, and it is to the advantage of the warden of the river that the fish cannot get up. The parent fish are caught there and the ova taken from them for the use of this hatchery. The fish hatchery is a very nice thing, no doubt, but it is a very expensive toy to the Dominion. It costs the country about $44,000.

HON. MR. POWER—That hatchery alone!

HON. MR. ALMON—No, but fish-hatcheries altogether. They are pretty nice toys, but they cost the Government that amount. Now, we ask ourselves is the fish hatchery of any use to the Dominion? The blue-book says it is, but the majority of practical fishermen will tell you it is a fraud and a failure from beginning to end. For instance, take the Sackville River. Although that river shows that over 40,000 young salmon have been planted in it, I ask what becomes of them? It is said that the young salmon return to the stream in which they are planted. Perhaps the hon. gentleman from Sackville will explain why it is that in some of the rivers, in the Cascapedia for instance, the fish average some forty pounds. You do not meet any small fish in that stream; therefore, it is not likely that the salmon planted in the stream there, either by parent salmon or by the fish hatcheries, jump to that size immediately. On that ground I think the theory is wrong, that the salmon planted in a river return to that river from the sea after they grow up. The petition that was sent in to the government was signed by a large number of respectable and influential persons for the improvement of this fishery, although the petition is spoken of very disparagingly by Mr. Rogers. Now, one of the first names on the petition is that of Hon. James Butler, a member of the Legislative Council, a gentleman largely interested in the West India trade, and one of the chief promoters and managers of the Halifax Sugar Refinery. It may be said that he does not know anything about the fishway, but his country seat is at the very mouth of this river and this mouth looks down on the hatchery. Then Mr. Morrison, who also has a country seat in that vicinity, signed the petition. It is also signed by Mr. Moore, who has a large elevator there, and flour mills, and also by Mr. William Hare, who had three sons, young men, out in the North-West during the rebellion, who are thorough sportsmen, fond of fishing and shooting. It is also signed by Mr. Harrison, president of the Game Association of Halifax; yet Mr. Rogers, in his report to the Fisheries Department, ignores all this, and says that they signed a petition about something that they know nothing of. This petition simply asks that $200 should be given to remove the Rogers Fish Ladder and put in one that would be of use and clear away the obstructions to fish ascending the river. That being done, the salmon have only fifteen miles to go up to the place which, from time immemorial, has been the natural fish hatchery, instead of which they are caught in the vain attempt to ascend the Rogers Fish Ladder. The sum asked for is so very small, and the people who petition for it are so very respectable, that I think the Department ought to consider it. I own a small piece of meadow on the river myself and have riparian rights as owner, though I never cast a line into the river. It is time that the Government should enquire whether the $44,000, that we are paying for fish hatcheries, is of any value to the country.

HON. MR. KAULBACH—I do not agree with my hon. friend, as it is quite evident to my mind the fish hatcheries have a great value, independent of their pecuniary cost. I am not aware of the obstructions in the Sackville River; but as far as the Rogers' Fish Ladder is concerned, wherever I have seen it, I have, from my personal knowledge, proved that it has been successful. I know it has been successful in the rivers in my own county and I have heard of other places where it has been equally successful. As regards the hatcheries I believe the value is far in advance of the cost. I know that some of the fry have been put into one or two of the rivers in my

county, and we have already seen a gain from it. That fish return to the river in which they are propogated, is beyond any question. I know that from my own personal experience, because I have hooked a fish which has got away from me into the stream again, and from his peculiar markings, I know that I have caught the same salmon the following season in the same river. It is wonderful how rapidly they grow. I believe that a salmon will increase in two or three months in the salt water from ounces to pounds in weight. If the Sackville river is obstructed with sawdust and slabs, I don't wonder at the fish not going up, for we know that salmon and all other fish in their natural instincts propagate. Their species will overcome great obstacles to get to their spawning ground. A twelve pound salmon will deposit 12,000 ova. The difficulty of which the hon. gentleman complains, must arise from the sawdust preventing the salmon from going up, and not from the faulty construction of Rogers Fish Ladder. That ladder has been approved of by the Government after a number of experiments, and if it is properly constructed and put down in the way in which the practical knowledge of Mr. Rogers would dictate as the best way, I say that the difficulty must be not from the fish ladder, but from the sawdust above it.

HON. MR. ALEXANDER—It seems to me that the hon. gentleman makes a very moderate request in asking for $200. I am sure it would require $400 to do anything on that river.

HON. MR. DICKEY—My hon. friend has referred to these fish hatcheries in Halifax, and I have an opinion about it, but I will not trouble the House to discuss it now. I daresay my hon. friend knows a great deal more than I do about it, and I daresay he is right. As regards the fishway, I know this about it: that the Rogers Fish Ladder has been a great success in other places, and I will give the House an instance of it, and I may be excused for doing so, because Mr. Rogers is one of our young men.

HON. MR. ALMON—From the county of Cumberland.

HON. MR. DICKEY—Yes, and when he comes from the county of Cumberland it is not wonderful that he should be an inventive genius; but I want to state the manner in which that invention has been received in the land of inventions, the United States, and I think it is due to the inventor to give the House the benefit of it. In the United States more had been spent upon the Connecticut River twice over than has been spent in the whole of Nova Scotia, in effectual attempts to get the fish to go up the ladders on that river. At last they employed a man who took the first prize at the Fishery Exposition in London three years ago, and they took it for granted that, as his fishway got the gold medal, he would do the business. They spent between $50,000 and $100,000. They put up the fishway, and waited a year and found it to be an entire failure. They then sent for Mr. Rogers to put up his fishway. He put it up at about one-third of the cost, and to the astonishment of the people, for the first time they saw the fish ascending the ladder to their usual haunts to spawn. I know nothing of the ladder except that fact. Since then this man has received orders from various parts of the States for ladders. He has secured his patent and is making money out of it, and I am very glad of it. I do not like to hear the inventions of our own people depreciated. I saw the model of the fishway before it was put into a practical form, and from any mechanical knowledge which I possess, I came to the conclusion that it was an admirable invention. I was not alone in that opinion. It was inspected by a great many fishermen and sportsmen who know more about salmon than I do, and they all remarked that it was an admirable contrivance. The Government tested it, in no friendly spirit, I am sorry to say, and had to come to the conclusion that it was an excellent invention. Under the circumstances, I hope the House will pardon me for taking up so much time in discussing this question.

HON. MR. McINNES (B. C.)—The

first remarks I had the honor of making six years ago in this House, were on the subject of a salmon hatchery on the Fraser river. I urged its establishment, not for the purpose of propagating the usual run of salmon, which takes place in the latter part of the summer, but to propagate the early or winter and spring runs of salmon, a very much superior fish to that which ascends our streams later. This winter the run is not only much larger in size, but of a superior flavor, very similar to the best salmon caught in the Restigouche and those rivers referred to in the motion before the House. A great deal of doubt was expressed by hon. gentlemen when I was asking for a hatchery, as to whether hatcheries were a success or not. I have this to say, that although the British Columbia hatchery has been in operation only five years, last year that early run was very much increased, and this year, each and every boat that goes out about six o'clock in the evening and remains out all night, generally takes in from sixty to eighty of these beautiful salmon in the morning. If that marked improvement continues much longer, our salmon canneries, instead of running for only eight or ten weeks in the year, as in the past, will, I have every reason to believe, have a continuous canning season, extending over seven or eight months of the year. I have much pleasure in certifying that whatever success has attended the establishment of hatcheries elsewhere, certainly the Fraser river one has been all that the most sanguine of us expected.

HON. MR. POWER—I think the House is under an obligation to my hon. colleague for bringing this matter before its notice; and I was rather sorry to hear the hon. member from Amherst speak in a half apologetic manner for taking up the time of the House in discussing this matter, as though it were of small consequence. The improvement of our river fisheries is of the very greatest importance; and the case brought before the House by my hon. colleague is but a sample of a great many cases which might be found in the Province of Nova Scotia—I do not undertake to speak for other Provinces. If the House will permit me, I shall quote from the petition to which my hon. colleague referred. I have a copy of the petition, which is now in the hands of the Government with respect to the Sackville river. The petitioners say:—

"That, before the establishment of the fish hatchery on the Sackville River at Bedford aforesaid, Salmon were comparatively abundant in the waters of Bedford Basin and of the river aforesaid, so that a fisherman setting his nets in the said Basin would in the course of the fishing season, catch, in an ordinary straight net, from forty to fifty fathoms in length and ten feet in depth, from eighty to one hundred salmon":

That there had been no marked falling off of a permanent character in the catch of salmon in the said Basin for twenty years before the establishing of the fish hatchery aforesaid:

That, about three years after the fish hatchery began operations, the net fishermen began to notice a falling off in the catch of salmon, which has continued up to the present time, when the average catch for the season is not more than fifteen to a net, the nets now used being harpoon bag nets of improved pattern and much more effective than those used before fish breeding was attempted on the Sackville river:

That when the hatchery was first established, the officer in charge caught in a trap on the said river, from 75 to 100 Salmon in the season for breeding purposes; that the number of salmon in the river fell off from year to year, until, in the last season during which the trap was set, that of 1881 or 1882, only one was caught, and the attempt to secure mother fish in the said stream was thereafter abandoned:

That, on a stream leading from Sandy Lake, to which lake Salmon, Gasperaux and other fish resorted for the purpose of spawning, to the Sackville river, there is a milldam without any way through which fish can pass, and two other impassable obstructions made up of logs and rubbish, so that it is now impossible for fish to reach their spawning ground:

That, although many fry have been deposited in the Sackville River, they do not seem to have matured, and the fishing both in the basin and in the River is practically destroyed:

* * * * * * * * *

"Your Petitioners therefore pray that salmon fishing in Bedford Basin and Sackville River and its tributaries be prohibited for the term of five years; that a proper fishway be constructed in the dam aforesaid, and the obstructions in the Sandy Lake Brook removed; that an active warden be appointed for the same Basin and River and its tributaries; and that the trapping of mother fish be not resumed."

The $200 which my hon. colleague sug-

gests should be given by the Government is, I presume, for the purpose of removing the obstructions in the brook and, possibly, to make a new fishway. This petition is signed by 106 persons. There were a number of prominent men, besides those whose names my hon. colleague mentioned, who signed that petition; and the majority of the petitioners are men who know what they are speaking about; being largely residents of the immediate neighborhood of the river. I have seen the answer given by the Fisheries Inspector of Nova Scotia to this petition, and it is of a most misleading character. I quite recognize the fact stated by the hon. gentleman from Amherst that the Fishery Inspector of the Province is a gentleman with an inventative genius, but I regret to say that his inventive capacity is not limited to mechanical contrivances. He also invents statements which, on investigation, are found not to be sustained by the facts. I do not undert ke to say anything against Mr. Rogers' fishway. I think, on the whole, that where the fishway is properly placed in a dam it is a pretty effective one. I do not quite concur with my colleague as to the character of the fishway. I may say, in excuse for speaking at some length on this subject, that I had proposed giving a notice in connection with the matter of the river fisheries of Nova Scotia myself; but looking at the late period of the session, I thought I should take advantage of my hon. colleague's motion and say a few words on the subject now. What is the position of the Sackville river? It was a good river for fish before the hatchery was established there. The hatchery has been in existence for twelve years: during that time the officer in charge of it has been depositing large quantities of fry in the river; and to-day, notwithstanding that these deposits of fry in the river and its tributaries have been made at any rate for ten years, there are no fish in the river and almost none in Bedford Basin. I think that is about as strong a case as we can get. I do not mean to say that fish hatching cannot be made a success. It has been made successful in other countries; but as regards Sackville river, I must say it is perfectly clear that it is a complete failure We have had the principal officer of the province in charge of the fish-hatchery, with the river right under his eyes all the time. He lives beside the river.

HON. MR. McINNES (B. C.)—Are there saw mills on the river?

HON. MR. POWER—There are at some distance up on the river. Here we have the fact that fishing is gradually falling off, and that in spite of the continual depositing of fry there are no salmon in the river.

HON. MR. ALEXANDER—We find the same thing at Tadousac: there is no result from the deposit of fry.

HON. MR. POWER—In the first place there is an obstruction on Sackville River called Tolson's Dam. I do not understand that there is a Rogers' fishway at that dam—I understand there is not. It is an obstruction to the fish getting up, and, since the officer in charge of the hatchery has ceased to catch the mother fish at the dam, it should be removed so that the fish could have an opportunity of ascending the river. Then when one gets a little further up the river there is a stream running into the Sackville River from Sandy Lake. This is a lake with a bottom of sand and gravel: which is the sort of place to which salmon and alewives resort to breed. Now there is one of Rogers' fishways in the dam at the mouth of this stream,—Peveril's dam it is called—; but I have been told by eye witnesses—men who are quite reliable and more than one of whom live in the neighborhood, and have opportunities of observing this fish-way almost every day—that when the river is not at its lowest but at its medium height the opening of the fish-way is about a foot above the surface of the river, and the consequence is that it is of no use whatever. It may be a good fish-way, but it is so located that the fish cannot get through the dam.

HON. MR. ALMON—It was put in by Rogers himself.

HON. MR. POWER—Yes, it is one of

Rogers' fish-ways, and I presume it was put up under his direction.

HON. MR. DICKEY—Put in at high water?

HON. MR. POWER—Those things should be made so that they can be utilized by the fish in the ordinary condition of the river. Then there are these obstructions to which my hon. colleague has alluded and formed as he has stated, and also other dams on the main river through which there are not proper fish-ways. I wish to impress upon the mind of the leader of the Government here the very unsatisfactory way in which the work, under the Fisheries Department, is carried on in Nova Scotia, and for that purpose I desire to call his attention to another river about which I happen to know a good deal. It is called the Salmon River, which runs into the Atlantic about ninety miles east of Halifax. It got its name from the great abundance of salmon which frequented it. I believe the reason why salmon resorted to that stream so much was because about six miles from the mouth of the river there was a series of lakes—I think some two or three—with bottoms composed largely of sand and gravel, just the sort of place that salmon resort to for spawning. I do not think there was a better river on the whole Atlantic coast of Nova Scotia for salmon than this river was up to seven or eight years ago. In the year 1881 a gold mine was opened about three miles from the mouth of this river. The mine is the richest in the Province of Nova Scotia. They have a very large crusher there, the tailings from which go directly into the river; and hon. gentlemen can form some idea of what that river has suffered when I tell them that this crusher crushes on an average between forty and fifty tons of quartz each day, and that all the tailings go into this small stream. It is unnecessary to say that the water is very much of the consistency of gruel and that there are no fish in the river now. In addition to destroying the river that way, polluting it with this crushed quartz, the company who own the mine have built a dam close by their crusher; and I think there are four other dams between the crusher and the lakes to which the salmon formerly resorted to spawn. It is perfectly clear that no salmon, trout, ale-wives, or other fish can get up that river; and in addition to that, the harbor of Salmon river, which was one of the very best on the coast of Nova Scotia, has been very seriously injured. I know that at the wharf, to which a few years ago, the gentleman who was then local member for the County of Halifax, brought his brigs and other vessels of that class—where those vessels were able to lie without difficulty, one can hardly bring a fishing smack now, and the harbor is gradually filling up with the tailings from the crusher. That case is a very strongly marked one, which must attract the attention of any one who knows anything about it. The same thing in a less degree happens on other rivers along our shores. The owners of mills do not provide facilities for the passage of fish through their dams, and they allow the sawdust and other refuse from their mills to go into the rivers and pollute the waters and render them unfit for fish to live in. This brings me to the same point that is before the Committee which is now sitting under the guidance of my hon. friend from Richmond. I think that the present relations between the public and the mill owners are very unsatisfactory, and it is the duty of the Government to carry out the law irrespective of the wishes of the owners of mills. No doubt the gentlemen who own those saw mills are carrying on a very important industry and one which brings into the country a great deal of money, and they deserve to be encouraged in every reasonable way and to get every sort of reasonable fair play; but just look at the position. Those gentlemen are first allowed to take the stream, which is a public highway and which belongs to the whole public or ought to, and make it practically their own private property. They put a dam on it and they put a mill on it, and make the river which belongs to the public, do the work which under other circumstances they would have been obliged to have done by costly machinery. That may be reasonable enough: there would be no objection to their using the water of the river to turn

their mills provided that they furnished an efficient fish-way, to allow fish to go up; but, in addition to that, they use the water of the river to carry away the refuse that arises from their work. I think the country does enough for the mill owner, when it furnishes him with his water power, without allowing him to pollute and destroy the river for all other purposes, after the water has passed his mill; and I hope the Government will take steps to see that in this point at any rate the law is enforced—that they will take steps to see that there are proper fishways in all the dams—Rogers' fishways if you will—but properly located in the dams,—and that they will compel the mill-owners to dispose of their sawdust in some other way than by throwing it into the river. I have a very strong feeling that the system of policeing the rivers is vicious. I know, with respect to the crusher on Salmon River, that the attention of the overseer for the county has been called to it, but he has never taken any steps to compel the mine owners to comply with the law. There is a warden living close by the river, but he is an old man, and would be afraid to take steps against the rich men who own the mine. I think that the sum of money which is expended in paying the overseers and wardens and maintaining the fish hatcheries would be very much better spent, if instead of taking men who live in the different localities, and who are afraid or unwilling to enforce the law against their neighbors—if it were expended in paying efficient policemen who did not belong to the localities and who would not be influenced by either fear or favor in dealing with people who violate the law. I find that the total sum spent in Nova Scotia last year was $26,732.86. Now I am quite confident that infinitely better results might be obtained with that money if it were spent in efficiently policeing the rivers and seeing that the law was carried out. It seems to me an almost absurd thing to spend large sums of money in providing fish hatcheries and distributing fry, when if the fish are only allowed fair play they will go up the rivers and deposit the fry themselves; and I have thought too that, instead of taking these wretched little fry and carrying them sometimes many miles in carts and then putting them into a river in a perfectly helpless condition (I believe it has been found that a large proportion of them are dead when they are put into the water,) if you are going to transplant anything, you had better transplant the mother fish and let her deposit her ova herself. I may say, in confirmation of the view I take with regard to the policeing of the rivers, that I am informed that the Department of Marine and Fisheries have adopted the system which I venture to recommend in connection with one of the rivers in New Brunswick. They have got rid of the old wardens and appointed energetic policemen at so much per day to look after the rivers during the close season; and I understand the results are satisfactory. In a good many places where rivers are leased to private individuals, they look after them efficiently, and the run of fish improves in those rivers rather than declines. The principal points to which, I think, the attention of the Government should be directed, are the doing away with fish hatcheries, which may be good in themselves, but which are not necessary in a province like Nova Scotia where fish is still comparitively abundant, and that they should above all things get a staff of independant and reliable policemen to see that the law is carried out with respect to the rivers.

Hon. Mr. McCLELAN—This is a subject of very considerable importance, and if the time occupied in the discussion of it should result in anything practical, it would be time well spent. However, I may say that it is not a new discussion by any means. The question has been before this Chamber and before the other House on several occasions during the last eight or ten years. The difficulty seems to be, as pointed out by the hon. member from Halifax, that the streams are being denuded of their fish which twenty years ago formed a valuable food supply for the people in the locality, by the operation of the milling establishments. The lumbermen are frequently men of wealth, at all events they are men who carry on a large business and employ a

number of laborers, many of them the settlers living in the immediate locality. They consequently have considerable political influence and, naturally enough, they are anxious to make all the money they can, and they resist anything which involves expenditure in making fish ways, and resist, by all means in their power, attempts to require them to provide appliances for burning saw-dust and mill refuse. Therefore the saw-dust and refuse go into the streams. Fish ways, in a great many cases, are inadequately provided. Notwithstanding the supervision of the Department of Fisheries and the appointment of inspectors and wardens, the supply of fish in our river, emptying into the Bay of Fundy, has been diminishing, and the people who formerly obtained a valuable supply of food therefrom are becoming deprived of that supply. I am not at all sanguine that any practical result will come from this discussion more than heretofore. I am afraid the same difficulty will continue, though I should fain hope that something would be done, even now, to resist the progress of these destructive agencies. Not only are the river fisheries affected—the salmon, the trout, the gaspereaux—but the indiscriminate throwing into the rivers of sawdust and refuse has had an effect upon the bay fish along the shore—the herring and shad. The shad is perhaps one of our best fisheries in the Bay of Fundy, and even that—so I am told by practical fishermen, who ought to know—has been somewhat impaired by the indiscriminate throwing of refuse into the waters from the mills. Regarding the improved fishway to which hon. gentlemen have referred, I took the opportunity of examining the model of Mr. Rogers' invention along with that gentleman, and I confess I was very favorably impressed indeed with the nature of that invention. I think if it was properly adjusted and maintained, it would be a most useful contrivance, but I am not aware that it is being employed to any great extent in the Province of New Brunswick. I think the great difficulty which exists now, and has heretofore existed, and I am afraid will continue to exist, is that the Government, while pretending to take action to protect the fisheries, will be restrained by adverse local influence.

HON. MR. DEVER—I think it is right that every gentleman should say a word or two on this question, because it is a very important one. In the rivers in the Lower Provinces, where fish naturally frequented in the past, we had no difficulty whatever each year in finding an abundance of fish. It is my opinion, and I have read a great deal about the habits of salmon and trout, that if the native water is kept pure and the bottoms of the pools are kept clean and free from deposits of decayed sawdust and other refuse, there will be no necessity for any artificial means in the way of hatching fish and establishing fishways that have been so much talked about. I have read the history of salmon in the old country—that the salmon make their way to their spawning grounds each year with as much regularity as the season comes about. There is one place especially that I have a better knowledge of than any other—I refer to the river Earne. Where that river empties into the sea there is a fall of about fourteen feet from the fresh to the salt water. Notwithstanding this fall, it is known that the salmon approach it and jump from the salt water into the fresh and ascend the river to their spawning ground and the river has always a plentiful supply of fish. The parent fish go into the upper part of the stream and into the pools which have been known for centuries as hatching grounds. Those pools are kept with the greatest care by properly trained and careful water police, who see that all impurities are kept from these pools and that the water is maintained in its native and pure state. Owing to these precautions, large quantities of fish are hatched every year, and when they grow to the size of a herring, they go to the salt water and return the next season. I have not the slightest doubt if our streams were kept as pure as they were before the saw-mills were established and refuse of all kinds was thrown into the water, they will continue to produce large quantities of fish regularly every year. Talking about fishways, in my opinion it is well to construct them to enable the fish to reach the upper waters, but the great trouble, in my belief, is that from the mill down the stream, no matter how far down

it extends to the sea, the water becomes foul, so that the fish, when it approaches even the entrance to the river into which the saw-dust and refuse are thrown, at once turns aside, recognizing the difference in the water, and never enters the river. I hold that if the inspectors would give their attention to having the waters kept clear of this refuse from the mills, our streams would once more become as well supplied with fish as they were in the past; as for hatching and putting fish in the water it is not natural. They will not live there; they will leave the river. They are a creature of nature and they want the natural conditions which produce and support them, but if you make the water impure they certainly will avoid it by instinct.

HON. MR. MACFARLANE—There is no doubt it is of great importance to the rivers in the Maritime Provinces that the fish should be properly protected, and I am inclined, from the experience I have had, to think that our rivers are changed very much from their natural condition, independent altogether of the miils, by the cutting away of the forest. The waters become warmed from the absence of the trees and the country has become so open, and is culs tivated to such an extent, that the river-rise and fall rapidly and the waters be come polluted from the sediment carried into them from the cultivated lands. The condition of a great many of our rivers, therefore, has been changed, irrespective of the sawdust from the mills. There is no doubt, however, that the refuse thrown from these mills has been of a very serious and destructive character to some of the very finest rivers. Owing to the practice of throwing mill refuse into these streams, they have become seriously injured. Now, I have no doubt that that is the case, as mentioned by the senior member for Halifax, but I never heard before that the throwing of the refuse from the crushing of granite into the river was injurious to fishing. I have no doubt however that the stone, crushed in that way and thrown into the streams and on the spawning grounds, will be injurious. I may say with regard to the Rogers' fish ladder, as far as I have seen it working, it is of great advantage where it is properly put in, and a decided improvement on all the fish ladders previously in use. The Rogers' fish ladder enables the fish to commence the ascent from the bottom of the river and to make its way up the ladder without being seen, and with perfect security until it gets to the top of the dam. It is now superseding all fishways in the United States as well as in Canada. This is a matter of importance, considering the fact that the most ingenious men in the neighboring country have been experimenting for years, and enormous sums of money have been expended, in endeavoring to construct fishways that will be successful, I cannot admit that the hatcheries are of no benefit, because the fish are increasing in numbers whenever the hatcheries have been in operation, and it is probable that the experiments will extend not only on the propagation of salmon, but of the sea trout.

HON. MR. KAULBACH — Trout, next to the salmon, are the most valuable fish we have.

HON. MR. MACFARLANE—Many of our rivers that abounded with trout in former years have become depleted, and I am confident that if the hatcheries are encouraged they will soon restore them to their former condition of productiveness if proper protection is afforded. They require all the care that it is possible to give them. The denuding of the country of its forests has taken the shelter from pools where the water formerly was cool and the fish delighted to congregate—especially where there was a gravelly bottom. In some of the finest rivers in Scotland the waters are cold. Our waters become very warm in summer. It is a remarkable fact that many of the rivers in Scotland have continued to be abundantly supplied with fish, and after generations of fishing, to day the yield is just as large as it was half a century ago. It has been the result of proper care and protection. I hope the discussion of this subject will draw the attention of the Government, and through them of the officials, to the importance of this

matter, and that they will be compelled to exercise a more direct care and supervision over our rivers. I am satisfied it is an expenditure of time and money which will be of the utmost advantage of the country.

HON. MR. ABBOTT—Without in the slightest degree denying the importance of the subject which has been discussed the last hour and a half, I must say it appears to me that our system is a little inconvenient in allowing debates upon questions. I feel confident that I could have given the Senate some information on these subjects, had I imagined that the question of my hon. friend from Halifax as to whether or not the Government intend to put in a fishway in a certain river would lead to discussions as to the law respecting the depositing of filth in rivers; the law as to the breeding of salmon; the constitutional points as to conflict of jurisdiction between the Dominion and the provinces on the subject of fisheries, and two or three other subjects which I need not mention. The question is an important one, is one which ought not only to attract the attention of the Dominion, but I feel that it ought to demand the attention of the Governments of the provinces also, for without concerted action between the Provincial and the Dominion Governments, I see no possibility of our fish being preserved to us; but, on the contrary, a very early prospect of our rivers being entirely denuded of salmon. With regard to the habits of fish, I think they are pretty well understood. The salmon go up the rivers early in the spring, and during the autumn, deposit their spawn on ground suitable for their purpose. The young fish, after being hatched, return to the sea, and I believe it is a well established fact that they come back to the river in which they originated. Of course, this points to a very easy mode, if it could be carried out, of preserving these rivers in the prolific condi tion they were in before we poached them and netted them to death. If the rivers were kept clear of sawdust and other refuse, if dams were excluded from them; if nets were not used in extraordinary numbers and quantities; and if poachers were prevented from operating on them, we should have our rivers as well stocked with salmon as they ever were. But the existence of these difficulties are the reasons why the production of fish in our rivers is so rapidly diminishing. It is not peculiar to the rivers of New Brunswick and Nova Scotia; there are rivers in Quebec in which salmon abounded a few years ago, and in which to-day there is not a salmon to be seen; and the main cause of that is the use of nets at the mouths of them, and poaching in the pools themselves. I speak of rivers where no sawmills exist, and there are no dams: yet the diminution of fish proceeds there, as in the Sackville River. There are no breeding establishments there, to which my hon. friend from Halifax seems to attribute a good deal of the injury which is done to the Sackville river. In reality what is to be done to preserve the salmon is to reduce legalized netting to a moderate quantity; to prevent nets from being stretched across rivers, which is habitually done in Nova Scotia and I think in New Brunswick.

HON. MR. POWER—Not very often in Nova Scotia.

HON. MR. ABBOTT—The multiplication of nets at the mouths of the rivers, prevent the salmon from ascending them; the netting and spearing, and the drag nets in the river, these are destroying the salmon after they have entered the river, in consequence of which a very small proportion of the fish in New Brunswick, and in Nova Scotia that get into the rivers ever reach their spawning grounds. These are the causes of the destruction of the salmon. Probably there will be no difference of opinion between my hon. friends and myself with regard to these facts. These are the causes in addition to the fouling of the water by sawdust and other refuse.

HON. MR. POWER—And dams without fishways.

HON. MR. ABBOTT—Preventing the fish from getting up the rivers. I think my hon. friends opposite, some of them, were a little unjust to the Dominion

Government. This is a question that cannot be solved by a few hours discussion in this House, in the way we have taken it up to-day. Who has the jurisdiction over these rivers in the interior of the Provinces of Nova Scotia and New Brunswick?

HON. MR. POWER—As to regulation, the Dominion Government has the jurisdiction.

HON. MR. ABBOTT—In so far as regards any criminal offence that may be committed on these rivers, it is within the jurisdiction of the Dominion undoubtedly. It is possible we may have power to make regulations as to the way in which the owners of those rivers may exercise their own rights in their own waters—it is possible; but I have great doubts as to the extension of their jurisdiction over non-navigable rivers in the interior of the provinces. The province of Quebec has its own fisheries laws. It leases its own rivers, guards its own fisheries, and punishes those who encroach upon the rights of the lessees. I think the province of New Brunswick has a similar law. It has a fishery inspector or public officer who has charge of the fisheries, and who advertises them for lease, and professes to protect them; and we know exactly how far the protection goes in the both of these provinces. I am sorry to say it does not go very far. Then with regard to the dams, and sawdust, and mill refuse from the mines which has ruined the Salmon river, which had at one time the best fishing in Nova Scotia, who has the jurisdiction over these?

HON. MR. DEVER—The local legislature.

HON. MR. ABBOTT—We have legislation on our Statute Book since Confederation, at which period the Dominion of Canada chose to consider it had entire jurisdiction over all those rivers, which gives authority to lease them and to draw the revenue from them, and make laws and regulations over them; but we have found out by the judgment of the courts that in some respects we have been shorn of this jurisdiction; and it has led everyone to doubt to what extent that jurisdiction goes. My own opinion is, for whatever it may be worth, that it goes a very short distance. There was an attempt too, a few years ago, to get over some of these difficulties by a bill passed in the Lower House, which came into this House,and was passed here also, but with some amendments to which the other House disagreed, and finally the bill was dropped. There was some provision made in it, very largely of a tentative character to describe and define the jurisdiction of this Parliament over local rivers, but unfortunately that bill did not pass and we have the law now as it passed at the time when the Dominion believed it had entire jurisdiction over the river fisheries; a dream from which it has been rudely awakened by law-suits and damages which it has had to pay. The first thing to be done to protect our fish is to have some understanding between the Dominion and the provinces, as to the means to be taken to protect them, and some concerted action. That is absolutely essential. We may take upon ourselves to defend our powers and jurisdiction, as we think we have the right to do, but we shall get into disputes, and as long as those disputes last, nothing will be done. In my opinion, the indifference which is produced by these difficulties, tends to prevent the amount of care and attention which ought to be given this subject; and I have no doubt that in consequence of this indifference there are a great many more nets in the estuaries than there ought to be. There are nets, as I said before, entirely across some rivers in the provinces, that absolutely prevent the salmon from going up to their spawning grounds.

HON. MR. ALEXANDER—At the mouth of the Saguenay there are several.

HON. MR. ABBOTT—I think it is generally admitted that the propagation of fish, and their distribution amongst the rivers, may be made very beneficial. I am not in a position to debate the question of the Canadian Fish Hatcheries, but the hatcheries are believed by those who are skilled in the matter,

to be of great importance in the propagation of fish; but whatever increase we may have made by propagation, look at the enormous increase in the methods of destruction. At the mouth of the Restigouche there are thousands of fathoms of nets where a few years ago there were only hundreds. That river still furnishes a vast crop of salmon and I have no doubt it is due largely to the fish hatcheries. So I have no doubt it is with other rivers, but the discussion to-day comes up in such a manner that one has not an opportunity to inform himself of all these details. If this Parliament should take up this question, and deal with it, and endeavor in the first place to define the extent of its own powers with regard to fisheries; and if the provinces will unite and act in concert with the Dominion, in taking charge of those portions of the fisheries which fall within their own jurisdiction; I have no doubt we might yet preserve them notwithstanding the difficulties which might arise from poachers or with the lumbermen at the dams. In order to do that we have to define those matters which undoubtedly fall within the jurisdiction of the Dominion, and those that are within the jurisdiction of the province; and undoubtedly there are some that lie between the two. The dams have got to have fishways in them; pollution of the rivers will have to be stopped; poaching has to be effectually put an end to, and the large increase of netting at the estuaries will have to be checked. I think it will turn out that the stoppage of the poaching will depend upon the provinces to a large extent. I think that the fishways, and the pollution of the streams, will depend upon the provinces to the extent to which the provinces have jurisdiction over the rivers not navigable, and therefore not within the jurisdiction of the Dominion. The protection of the estuaries will fall upon the Dominion. Fish hatching is of equal interest to both the provinces and Dominion. If fish hatching really increases the quantity of fish, then it will increase the catch as well in the estuaries as in the rivers, and it may be proper that the Dominion should carry on that; but certainly as to the other measures which are necessary to protect those streams and our salmon, the Province and the Dominion have got to act in concert or nothing can be done with effect. What will be the use of breeding millions of fish in the hatcheries, if they are put into streams where they are destroyed by poachers? It is not to the advantage of the Province that people should be allowed to take those fish as they please. People may say it is very hard that they should be prevented from catching as many salmon as they please. But they are mistaken. The price of a salmon may be ten or twelve cents a pound, caught, up in these places; but the value of the salmon to the owners, if allowed to be caught by people outside, is ten times that. What has made the northern part of Scotland? It is nothing but the fishing and shooting, and the money spent by sportsmen fishing and shooting there. It is not the agricultural produce that is raised in the barren country in the north of Scotland that has brought money there. There is not a fish caught on the shore by sportsmen that does not pay ten times its price to the people in the shape of wages, lodgings, provisions, etc.; and it would be far more to the advantage of the people who live along those rivers, to protect the fish and favor the coming in of strangers and people who are fortunately wealthy; than to avail themselves of the privilege of killing a few fish now and then worth only a few cents a pound. I think therefore there is the greatest possible inducement to protect the salmon. I am glad on the whole, that the subject has come up for discussion, because I hope it will lead to some concert between the Provinces and the Dominion, and in that way to the protection of our most valuable salmon fisheries. I have taken more time in discussing this matter than I intended to do, but now that it has come before the House I am glad to have had the opportunity of making a few remarks.

Hon. Mr. POWER—I have read the decision in Robertson and the Queen, and I do not think the judges said in that case that the Dominion had the right to regulate fishing in non-tidal

waters. They said the Dominion government had not the right to lease.

HON. MR. ABBOTT—I did not say so. I said there had been judgments which had opened their eyes as to the rights with regard to these rivers. The Dominion no doubt have the right to regulate the fisheries under the constitution, but they also have the right to regulate trade and commerce. Does that give the right to say how many minnows a boy may catch in a brook, or how many trout he may take out of a creek? or to regulate the details of all commercial contracts? I think not. I think the words in our constitution are of a more comprehensive character; they entitle the government to regulate the fisheries in a broad sense; the fisheries of the navigable waters and waters within its own jurisdiction; but not I think in any local streams within the jurisdiction of the Provinces, over which they have naturally no control whatever and which are actually the property of individuals. That is my view with regard to the constitution.

HON. MR. MCCLELAN—Do I understand the hon. gentleman to say that the Dominion Government has not exclusive control in the management of mill dams and the pollution of waters by sawdust and other matters of that kind?

HON. MR. ABBOTT—I have already told my hon. friend my view with regard to that. I say to decide upon the exact line of distinction between the jurisdiction of the Provinces and the jurisdiction of the Dominion on some of those points, would undoubtedly require great consideration, and cannot be pronounced upon in a discussion of this kind. This question of sawdust on local streams, if only the local streams were affected by it, in my opinion, would be a matter for the local and not for the Dominion authorities. But, as to the destruction of streams which are fit for the breeding of salmon, which is bred in the rivers and fed in the sea; of course, both the Dominion and the provinces have an interest in preventing their being destroyed by sawdust; and it is possible if the subject were investigated, it would be found, that although the property was the property of the individual—although the river was the property of individuals; and although it was within the boundaries or limits of the province; the Dominion Parliament had some jurisdiction over it. But I say that question, and one or two other questions, are more intricate questions of constitutional law, than we can at the moment imagine. In a navigable stream like the Ottawa, there is no doubt the Dominion has jurisdiction. If we choose to make the putting of sawdust in the water a crime, I have no doubt we have the jurisdiction to do so.

HON. MR. MILLER—What about the $200 grant?

HON. MR. ABBOTT—There is going on at this moment a considerable amount of correspondence about the subject matter of this inquiry, and the Minister this morning has received a report of five or six pages of foolscap on the subject, which he was reading when I had the honor of seeing him. He has sent an officer to make a special report on the subject before giving a final answer as to what he will do with regard to this river.

HON. MR. POWER—Does the officer go from Ottawa or is he a Nova Scotian?

HON. MR. ABBOTT—I could not answer that.

HON. MR. POWER—It is a matter of great consequence. For my part I should not have any confidence in a report coming from a local fishery officer.

HON. MR. ABBOTT—The hon. gentleman may have such a general sweeping want of confidence that he may not have any confidence in anything that any Dominion officer may do. I was informed by the Minister that he was sending an officer to report upon the facts contained in the report of the inferior officer, so that he might obtain a comprehensive view of the whole matter before him.

HON. MR. ALMON—I am convinced that if any impartial man goes down there he will see that the Rogers report is entirely erroneous and that the petition that I presented is correct in every respect.

CANADA TEMPERANCE ACT.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (10) "An Act to amend the Canada Temperance Act."

He said—I have no desire or intention to occupy the time of the House to enter upon the general question of the Temperance Act. I merely wish to ask the House at this stage to direct their attention to two points. The first point is that the bill before us proposes no new principle whatever, no new power but simply to make workable and effectual a law which already exists on our statute books. That this is but a reasonable demand on the part of the promoters of the bill is admitted on all hands—it has been admitted here as well as on the floor of the other Chamber. In fact, I noticed that when the last amendment was made to the Canada Temperance Act in the Senate in 1884 our colleague, Sir David Macpherson, said in the course of his remarks.

"When the present Ministry succeeded to office they found the measure (the Temperance Act, 1878) upon the Statute-books and it was their duty with respect to it, as with respect to all other important measure, there, to propose its repeal or to make it efficient."

I wish hon. gentlemen to take notice of that principle. When the measure went down to the House of Commons I noticed it was taken in hand by the Premier himself, who moved the second reading of the bill, seconded by Sir Leonard Tilley, clearly recognizing the principle that it was a public measure and it was the duty of those in authority to give any amendments which might be necessary to make it workable. That it was also the sense of this House may be seen from the fact that the Senate, on a former occasion, passed everyone of the amendments now proposed in this bill. Therefore there is nothing new or extraordinary or out of the way in the measure now submitted. It is merely to cure some very palpable omissions in the existing Act and to render its operation more easy and effective. The other point to which I wish to direct your attention is a constitutional question, and I think it is one which deserves a little consideration at our hands. Our functions are, of course, very important, and especially in connection with the reviewing of legislation from the other Chamber. There are times when it is necessary for the public good that we should take a firm stand and reject measures which have been carried in the other House—measures which in our judgment have been adopted, not so much in the public interest as from party motives, or measures which, from one cause or another, some think to be prejudicial to the public interest. Now, where these two reasons do not exist, I think it is becoming in us to be exceedingly careful as to how we venture to stand in opposition to the will of the people, expressed twice through their representatives in the House of Commons, and more especially when that House on more than one occasion has sent a Bill into this Chamber. It will be remembered, in the discussions we had here in this connection in 1885, lasting for many days, the House of Commons sent up to us amendments precisely similar to those, but other amendments were made in this House, and when they went back to the Commons that chamber refused to accept those made here and sent word back to us to that effect. The bill went back to the other House. The Senate insisted upon these amendments and the consequence was the other House would not give way and the bill dropped to the ground. At the same time, it must be borne in mind that there was an express opinion of the House that those amendments were desirable and necessary. The House of Commons expressed their views decidedly last year on this question, when there was a movement made for the repealing of the act. The vote in the House was 38 to 145 It is well to bear in mind that there was a distinct proposal made in amendment, and another motion that this bill should be repealed, and the sense of that House was expressed in the vote

I have mentioned. Then, again, during this present session, it is quite true that there has been no distinct vote particularly on this Bill, but there was a question before us which brought up the view of that House as to this Bill. An amendment was offered, proposing to give the Bill a six months hoist. It was rejected on a vote of forty-four to eighty-eight, a vote of two to one. Of course, it was a thin House, but this shows distinctly the feeling and temper of the other Chamber with reference to the amendments which I have now the honor to introduce here. I do trust the House will take these facts into serious consideration, and will give them that weight which they think they are entitled to, by allowing the Bill to go to a second reading. If in Committee any amendments are considered desirable they can be made there. Hon. gentlemen will notice on the orders a second bill with almost the same title. It is probable, if these bills are allowed to go to second reading and are sent to the Committee, that some arrangement may be made to put the two into one, which will be something more sensible than to have two acts on the Statute Book with almost the same title.

The motion was agreed to, and the Bill was read the second time.

THE CANADA TEMPERANCE ACT.

SECOND READING.

HON. MR. MCMILLAN moved the second reading of Bill (6), "An Act in amendment of the Canada Temperance Act."

He said: I will not detain the House now in explaining these proposed amendments to the Canada Temperance Act. The Bill will go to the Committee of the Whole, where they can be discussed in detail. The first important amendment that is required is with regard to the time at which the voting is to take place for the revocation of the Act, which shall not be more than thirty days before the expiration of the three years. The next is with regard to the ballot papers. A good deal of confusion has been found to exist with reference to the ballot papers. As it was formerly in the Temperance Act it was "for the petition" or "against the petition." If the petition was for the purpose of bringing the Act into force the party voted for the petition, if on the contrary, the petition was for the purpose of repealing the Act, the voter who would naturally feel like voting for the petition, at the same time did not know that he was voting against the Canada Temperance Act. This is an important amendment and I think it is necessary that it should be adopted. The next is with regard to the time at which the Governor in Council can issue a proclamation after the vote had been taken with reference to the revocation of the Act. As it is at present, sixty days are required and there is a doubt that there may be thirty days more required, making it ninety days from the time in which the vote is taken. This amendment asks that the proclamation shall not issue for thirty days from the date upon which the vote is taken. There is a further amendment with regard to the druggists. I propose to discuss this when the bill goes into Committee of the whole, when they can be taken up clause by clause. If it is possible we will try and compromise matters and have the two bills, which are now before the House, moulded into one.

HON. MR. KAULBACH—I do not object to the amendments which the hon. gentleman proposes in his Bill, as I think they are in the right direction, but I must say that I think all our temperance legislation is based on a false sentiment. That is the trouble with the whole thing. This want of public sentiment has a tendency to make shipwreck of the whole temperance legislation. The exigencies of party and political feeling have done a great deal towards getting legislation through the Parliament, which is not in conformity with the public sentiment of the country, and temperance has been by that means brought to a discount.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 5:25 p.m.

THE SENATE.

Ottawa, Tuesday, May 15th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (133) "An Act to authorize the raising by way of loan of certain sums of money for the public service." (Mr. Abbott.)

Bill (120) "An Act further to amend the Supreme and Exchequer Courts Act chap. 135, of the Revised Statutes of Canada." (Mr. Abbott.)

Bill (127) "An Act relating to interest payable on deposits in Post Office and Government Savings Banks." (Mr. Abbott.)

Bill (122) "An Act to amend chapter 34 of the Revised Statutes respecting the Inland Revenue." (Mr. Abbott.)

Bill (41) "An Act respecting the application of certain laws therein mentioned to the Province of Manitoba." (Mr. Abbott.)

Bill (118) "An Act to amend the Weights and Measures Act with respect to the contents of packages of salt." (Mr. Abbott.)

Bill (119) "An Act to amend the Bank Act, chapter 120 of the Revised Statutes of Canada." (Mr. Abbott.)

Bill (121) "An Act to amend chapter 33 of the Revised Statutes of Canada respecting duties of Customs." (Mr. Abbott.)

Bill (134) "An Act to make further provision respecting the construction of the ship channel between Montreal and Quebec." (Mr. Abbott.)

Bill (132) "An Act respecting a certain agreement between the Government of Canada and the Canadian Pacific Railway Company." (Mr. Abbott)

THE MIDDLETON DIVORCE CASE.

SECOND READING.

The Order of the day being called—2nd Reading of Bill (K) "An Act for the Relief of William Henry Middleton," that Petitioner do attend at the Bar and be heard by Counsel,—

HON. MR. CLEMOW presented the certificate of the Clerk of the Senate as to the posting of notice.

HON. MR. CLEMOW presented the declaration of R. V. Sinclair as regards the service of the notice of second reading of the Bill on the respondent.

The declaration was read at the Table.

HON. MR. CLEMOW moved :—

That this House is satisfied with the proof adduced of the due service upon the party from whom the divorce is sought, of the notice of the second reading and a copy of the Bill for the relief of William Henry Middleton, as set out in the declaration of Robert Victor Sinclair, made on this fifteenth day of May, instant.

The motion was agreed to on a division.

THE SPEAKER informed the House, that William Henry Middleton, the Petitioner in this case, was in attendance below the Bar, ready to be examined by the Senate generally as to any collusion or connivance between the parties to obtain a separation.

HON. MR. CLEMOW moved

That the examination of the Petitioner in this matter as well generally as in regard to any collusion or connivance between the parties to obtain a separation, be for the present dispensed with, but that it be an instruction to the Select Committee on Divorce to make such examination.

The motion was agreed to on a division.

HON. MR. CLEMOW moved that the Bill for the relief of William Henry Middleton be now read the second time.

The motion was agreed to on a division.

HON. MR. CLEMOW moved that the Bill be referred to the Divorce Committee.

HON. MR. GOWAN—There are two courses open to us with respect to those proceedings. The first is to refer it to the ordinary committee, as under the old rule; the other course is to refer it to the special committee constituted under the new rule. I think the better course is taken in proposing to refer it to the new committee organized under the new rule. The Right Honorable the First Minister is reported as having, in another place, made some observations last night with respect to the propriety and desirability of not transferring the jurisdiction of Parliament to a court, and believed it would be better to retain the present system. There is no doubt there is great difference of opinion with regard to whether divorce should be retained in Parliament, or whether it should be transferred to a tribunal constituted for the purpose—a difference in opinion in Parliament and outside of Parliament. I, for my part, retain the opinion I have already expressed that it is better to leave the proceeding with Parliament, and I would very briefly point out the reasons why it seems prudent to do so. There is a class of private bill legislation, purely matter between party and party, where the question in issue might well be referred to an outside tribunal for adjudication. But the Bill of Divorce is unique.

I may refer to some of the points of difference between the two procedures for Divorce—in Parliament, and outside of Parliament before a Court invested with power to dissolve marriage.

The proceedings by Private Bill for Divorce, designed like other bills to attain its completion in an Act of Parliament, to a certain extent bears some analogy to a suit in a Court of Justice, but it is not merely a proceeding between party and party though the primary immediate operation of the particular law will be upon them. It is not a mere civil proceeding: the Act dissolves the marriage of the parties, it also punishes the matrimonial crime committed by one of them. It may in a sense be said to be a proceeding in *rem*, the *res* being the marriage. Indeed I would say it is neither contractual nor purely penal, the operation being in respect to the marriage status of the parties, a divine ordinance as well as a domestic regulation which the law has sanctioned and has the power to regulate and control under the Constitution.

And these considerations must be kept in view in a question whether it is expedient to change the present legislative mode of dealing with divorce and commit the subject to be wholly dealt with by a Court of Judicature, constituted for the special purpose. Let me take a glance at both:

In entertaining applications for divorce and making a law to set the parties free to marry again—changing their status—Parliament can properly bring in view considerations of expediency or public advantage. A court of justice is necessarily restrained within fixed limits and its procedure controlled by fixed rules in matters assigned to it for adjudication between party and party.

Parliament would be making a law and the supreme power of the State (within constitutional limits of course) it would have to consider what would most tend to the public good. The courts but expound and administer law which Parliament enacts.

The point is forcibly put by a learned writer on the sources of law, "The functions of the legislator are in reality not legal but moral. With him the primary enquiry is, what ought to be? And he only enquires what is, to suit his provisions of the law already in force. With the lawyer, on the other hand, what is always the primary enquiry, and there his enquiry stops."

'Tis true applications for divorce have always been based upon a specific charge and the facts necessary to support that charge established by satisfactory evidence and so far the proceeding is quasi judicial. Inquisition is made and the truth or falsity of the facts alleged determined and to that extent there is an analogy to the proceedings of a court. But whether by reason of the facts proved the prayer of the petitioner should be granted, opens considerations for parliament which could not be permitted to judges when called upon to pronounce what the judgment should be.

Further, in criminal cases the executive may be called upon to decide whether, in view of all the facts and circumstances, the judgment of the court should be carried into effect or modified.

Now, Parliament may be said to unite in itself all these three duties and functions. It decides whether the charges are proved, whether they constitute such a case as should entitle the party to a special Act for relief, and what relief, if any, should be granted to the party, in view of all the circumstances; and Parliament may, and ought always, to have in regard, not merely the question as it affects the parties, but the effect in relation to morals and good order—the effect which the passing a particular law might have upon the well-being of the community—Parliament as the supreme power has its duties and responsibilities, and cannot compromise the well-being of society which has been entrusted to it under the Constitution.

These are the considerations which brought me to the conclusion that in the present aspect of the question any delegation of the power respecting divorce would be inexpedient.

Parliament can deal with matters in the abstract, judicial decisions are by their very nature, concrete, and all the judge professes to do is to decide the case before him on ascertained legal principles.

An argument has been used against the Parliamentary procedure. It was said persons were appealing for relief, in such cases, to a body, many members of which are opposed to divorce *under any circumstances* and should that opposition assume an active form, applicants would be at a disadvantage in case of a vote; for practically a Bill of Divorce could not pass by a majority of voices, like other Bills affecting rights and liberties, but requires nearly four-fifths of the non-catholic vote of the body to carry. I was given to understand it was considered "being a Federal matter, the question might be dealt with by Protestant members, the Roman Catholics not taking any action in the matter; and it was advised to Roman Catholic members to be altogether passive except in cases in which it would be necessary to protest against an action."

I may be mistaken in this, if so, I regret it, for the fact I have referred to offers in my opinion the only show of argument for changing the present system.

HON. MR. KAULBACH—My hon. friend must see that he is provoking a discussion on a point which we cannot take up now; otherwise we might take exception to many of his remarks.

The motion was agreed to on a division.

STANSTEAD, SHEFFORD, AND CHAMBLY RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. STEVENS moved the second reading of Bill (78) "An Act respecting the Stanstead, Shefford and Chambly Railway Company."

He said—The Company asks for power to re-organize its securities, to reduce its share capital and to lease or sell its railway, or to amalgate with other Companies. I believe the powers asked for here are not exceptional.

The motion was agreed to and the Bill was read the second time.

CANADA TEMPERANCE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (10) "An Act to amend the 'Canada Temperance Act'".

In the Committee,

On the 5th clause,

HON. MR. POWER inquired, in what does the 5th clause differ from the subsection which it repeals?

HON. MR. VIDAL—It has a few differences, not very material. It may be remembered that the original Act required that a certain amount should be purchased and carried away. That has been dropped, and it is left to the dis-

cretion of the physician ordering it, without limiting it to an particular quantity.

HON. MR. SCOTT—In the amendments proposed by Mr. McCarthy in his Bill, which immediately follows this, I notice that the medical men and the druggists have come to an arrangement to limit the prescription to ten ounces. I submit to the medical men whether it would not be well to make this agree with that clause and limit the quantity in all cases to ten ounces.

HON. MR. HOWLAN—We are not considering that Bill now.

HON. MR. SCOTT—I want to make the two bills harmonize.

HON. MR. MCMILLAN—I do not consider that this clause is to serve the same end as that provided for in the McCarthy Act. This really applies to the vendor who gets a licence under the Temperance Act, whereas McCarthy's Act provides for all who are authorized to sell pharmaceutical preparations under the Pharmacy Act. In order that these two Bills should harmonize I would move in amendment to strike out the words in the 18th line "persons duly authorized to sell the same," and insert "may be made by any licensed vendor under this Act."

HON MR. SCOTT—Is not that the same in effect?

HON. MR. MCMILLAN—There are persons duly authorized under the Pharmacy Act as well.

HON. MR. VIDAL—These were the words in the original Act, and it has been thought desirable to change them for the words now proposed. It was thought that "licensed vendors" would not cover all those who would be authorized to sell, and it was a far better expression to use "all persons duly authorized to sell," because it would cover all cases.

HON. MR. MCMILLAN—Does not that conflict with the other?

HON. MR. SCOTT—Not at all.

The clause was adopted.

On the 10th clause.

HON. MR. VIDAL said—In this clause, as it was originally introduced in the House of Commons, the right of search was extended to the whole 24 hours. That was objected to, and the clause was amended to confine the search to the daytime.

HON. MR. ALMON—Under this clause there is the 108th section, in which I find "if a credible witness proves upon oath, before anyone of the officers named in section 103 of this Act, that there is reasonable cause to suspect that any intoxicating liquor is kept for sale" —credible witness, I believe, means a whiskey informer?

HON. MR. VIDAL—If my hon. friend for instance, gave information, it would apply to him.

HON. MR. ALMON—Suppose the credible witness was one of those wretches who have been paid by the people who are running this Temperance Act, who had committed several murders in Ontario, would this give him the right to make the search with a revolver in his pocket?

HON. MR. POWER—My hon. friend is thinking of the Custom House officers.

HON. MR. ALMON—A whiskey informer may make oath before any of the officers named in the one hundred and third section—that is before a common magistrate. Now in the county of Halifax there are three hundred magistrates, and if any whiskey informer were to take a dislike to the hon. member from Sarnia, for instance, because he did not get enough of the swag for having informed against some person—and every person knows that a whiskey informer will swear anything—he may swear that the hon. member from Sarnia is in the habit of selling liquor, and obtain the right to enter the hon. gentleman's premises

and make a search. I do not object to it, because I think the more disgusting this Act is made the sooner it will come to an end. I would like to see this even more severe than it is, but I am pointing out the objectionable character of this clause.

HON. MR. VIDAL—I think that the clause is very simple indeed. It is not a new clause; it has been on the Statute Book all the time. The whole question rests, of course, on the judgement of the police magistrate or the judge.

HON. MR. ALMON—Of the magistate.

HON. MR. VIDAL—Not a single magistrate.

HON. MR. SCOTT—If it is an ordinary magistrate, there must be two of them.

HON. MR. VIDAL—The only difference between this clause and the section of the Statute Book to which it refers is that the latter has been interpreted as limiting the search warrant to cases of conviction for violation of the law, and that has been found to render it wholly useless. The witness must be a credible witness. We cannot get any fixed rule by which the credibility of a witness is to be established. It is a matter to be judged by the court, and if a credible witness on oath says that there is reasonable belief that liquor is kept for sale, search may be made.

HON. MR. HAYTHORNE—As there is only one witness required, why should he not be compelled to state the grounds of his belief?

HON. MR. POWER—The hon. gentleman says that the search is confined to the day time: it is not so stated in the clause.

HON. MR. VIDAL—The hon. gentleman will find it stated in form N.

HON. MR. POWER—But the language of the clause is general. There is nothing to hinder anyone from altering the form to suit the occasion. Under the Interpretation Act it will be found that we are not tied down strictly to forms that are given—that they may be modified to suit the occasion; and as the language in the clause is general the form might be altered as circumstances might require.

HON. MR. VIDAL—I have no objection to any alteration in the language of the clause which will make it more clear.

The clause was amended accordingly and adopted.

On the thirteenth clause.

HON. MR. MCMILLAN moved that the words "and compellable," in the 6th line of section 114 of the Canada Temperence Act be repealed.

He said—This is the clause which requires the wife to be a witness against her husband.

HON. MR. ALMON—Would it not be more in the spirit of the Act to amend the section so as to require that the wife be kept in solitary confinement and fed with bread and water, until she gives evidence against her husband?

The amendment was agreed to and the clause as amended was adopted.

HON. MR. MILLER, from the Committee, reported the Bill with amendments.

HON. MR. VIDAL moved that the amendments be concurred in.

HON. MR. DICKEY—I would suggest that it would be perhaps more convenient that the consideration of these amendments should be left to a future day. My hon. friend from Sarnia has made a very good suggestion, that some course should be taken to consolidate the two Bills amending the Temperance Act, so that we shall not be in the position of sending back two bills amending the same Act.

HON. MR. MILLER—I think it rather late now to adopt the suggestion which the hon. gentleman has made. The usual course is when several bills relating to the same subject come before Parliament, that they be referred to a Select Committee with instructions to report by bill or otherwise. The time for doing that would have been when the motion was made that the Speaker leave the chair. That was not done, and the Committee have gone through the Bill and reported it to the House, and I do not see that anything would be gained by a contrary course in the present instance. We are approaching the end of the Session and the probability is that if these Bills were referred to a Select Committte for consolidation we should not have the report in time to get the Bill before this House and through its different stages, because it would be a new Bill, and it would have to go through the various stages in the other House, because it would go there as a new Bill also.

HON. MR. DICKEY—I do not see the inconvenience that my hon. friend points out. The other Bill to amend the Temperance Act is coming up for discussion, and the Bill will go in some shape from the Committee to the House. When that is done the House can say it is not necessary to employ a Committee to do what the House can do, and if the Senate think it convenient to consolidate the different clauses agreed upon in Committee, they can be included in one or other of these Bills, and in that way we will carry out the object that is aimed at. There is no inconvenience in that course, and I think the House has the same power as if they delegated to a Committee, and the Committee reported back to the House.

HON. MR. VIDAL—The hon. gentleman rather misapprehends my motion. The Committee has reported the Bill with two small amendments. I think it is highly desirable that the House should concur in the amendments, but I was not intending to move the third reading until to-morrow, I was deferring it, on my hon. friend's suggestion, until the other Bill was reported.

HON. MR. DEBOUCHERVILLE—There is another way of consolidating the two Bills, by referring this Bill back to the Committee that has just passed it, and then allowing the Committee to report on the two.

HON. MR. MILLER—That would be a much more orderly course than the course suggested by the hon. gentleman from Amherst. With reference to Bills in Committee, Bourinot says :

"The practice of revising Bills in Committee of the whole only dates from 1700, and the most eminent English authorities have frequently advised, and the House of Commons have already attempted, a modified return to the old method of considering certain public bills in select Committees, particularly in the case where several bills on the same subject are before the House, has it been found convenient to refer them all to one Committee. Sometimes a Committee will combine two bills in one. In 1879 a number of bills relating to insolvency were presented and, in view of the great variance of opinion on a very perplexing question it was decided to refer the whole matter to a select Committee to report by bill or otherwise. In this case, as it was not intended to report back any of the bills before the House, the order for the second reading of each was read and discharged and each was then formerly referred to the Committee, with the consent of the introducer in every case."

Now, it is clear if those bills are consolidated in this House, they become a new bill, so far as the House of Commons is concerned, and they go back as a new bill which has to go through the various stages in that House, which, at this late period of the session, will ensure its defeat. The course suggested by the hon. gentleman from Montarville is much more in order. There is nothing objectionable in the course suggested by him, but the time to do that was before the bill was considered in committee. There must have been some good reason for not amalgamating the two bills in the House of Commons. The Minister of Justice is responsible for the legislation in the other House, and that hon. gentleman would not have allowed these two bills, amending the same act, to come to this House if there was no good reason for doing so. I think it would be better, under the circumstances, to take up the two bills separately and allow them to go through the necessary stage.

HON. MR. POWER—I agree with the hon. gentleman from Richmond. The reason why the two bills came from the House of Commons, is not far to seek. The Bill which has just passed through the Committee is a Bill for rendering the Scott Act more workable. The other bill is to facilitate the holding of elections for the repeal of the Act. I think it would be much more convenient to pass the two Bills separately, as there are a great many forms at the end of the bill which we have already passed which would be very likely to lead to confusion if we undertook to consolidate the two.

The motion was agreed to.

CANADA TEMPERANCE BILL.

SECOND READING.

The House resolved itself into Committee of the Whole on Bill (6) "An Act to amend the Canada Temperance Act."

In the Committee, on the 3rd clause.

HON. MR. POWER asked that the amendment be explained.

HON. MR. McMILLAN—The two sub-sections provide that the vote shall be taken within 30 days of the expiry of the three years.

HON. MR. SCOTT—Under the Act the vote might be taken at any time while the Act was in force. Six or eight months ago petitions were circulated in the counties where the electors were to vote on the question of repealing the Act adopted in 1882, and pressure was brought to bear to have the vote take place six or eight months before the Act had expired An Order-in-Council was passed which provided that the date should be thirty days prior to the expiry of three years. The Order-in-Council was passed sometime in January or February providing that the vote should not be taken before March or April,—or about thirty days before the Act expired, and this Bill brings it in harmony with the Order-in-Council.

HON. MR. McKINDSEY—This applies to the revocation of the Order-in-Council.

HON. MR. SCOTT—Yes, for instance the Act expires on the thirtieth of April, and the vote may be taken after the first of April, as I understand it.

The amendment was agreed to.

HON. MR. DEBOUCHERVILLE—I would like to call attention to the fact that the translators have adopted a new word for the French word *amender* in this Act, the word *modifier*. The word *amender* has, until recently, been used in the French edition; but they have now adopted the word *modifier*. I object to the use of that word. I think we ought to retain our own expressions here. This has been adopted from the old French legislation and I ask that the French edition of the Bill be amended by striking out the word *modifier* wherever it occurs, and inserting in lieu thereof, the word *amender*. I think our leader will approve of this.

HON. MR. ABBOTT—I think it would be certainly expedient to retain the phraseology we have hitherto adopted.

The motion was agreed to.

On clause 8,

HON. MR. McMILLAN—I want to amend this clause. It provide that the voting for the revocation of the Order-in-Council shall be by ballot. I want to provide that the words "for the act" shall be printed on the ballot paper in black ink and "against the act" in red ink.

HON. MR. SCOTT—That would be more confusing.

HON. MR. POWER—It would make the ballot more costly to print.

HON. MR. McMILLAN—But it would be more convenient to people who cannot read or write, to make one color for the act and another color against the act.

HON. MR. ALMON—How would it do to abolish the ballot altogether?

HON. MR. MILLER—How would it work in the Province of Quebec where parties are divided by red and blue?

HON. MR. KAULBACH—Or if a voter were color blind?

HON. MR. POWER—I would call the attention of the leader of the House, as he has charge, if I may say so, of the elegance of our legislation, to the fact that inasmuch as the vote is not being taken for or against the Scott Act, these words, "against the act" and "for the act" do not seem to apply. What electors are really asked to decide is, for the repeal or against the repeal.

The clause was agreed to.

On the 11th clause—sub-section "C."

HON. MR. POWER—Before this subsection is adopted, I wish to say that I think the words "known to the vendor" are objectionable. The vendor, the person who actually sold, might not know that it was capable of being used as a beverage in violation of the Canada Temperance Act. I think it would be an improvement if those words were struck out.

HON. MR. KAULBACH—The real vendor is the party who keeps it for sale.

HON. MR. McMILLAN—You cannot hold a man responsible for selling it if he did not know it was capable of being used as a beverage the sale of which is a violation of the Temperance Act.

HON. MR DEVER—I would like to ask the hon. gentlemen in charge of the Bill should there not be a limitatation of the strength of the spirit sold by druggists or chemists? The physicain's prescriptions shall not contain more than ten ounces of spirit at any one time. Ten ounces of one spirit would be equal to twenty ounces of another, and there is no definition of the strength.

HON. MR. McMILLAN — The prescription would order so many ounces of alcohol.

HON. MR. DEVER—Would that ten oz. of alcohol be spirit or proof? Ten ounces of spirit would mean twenty-five ounces of proof or twenty ounces of brandy.

HON. MR. ABBOTT—The explanation of this clause "C" is simple enough. It is simply to avoid punishing a man for unconsciously committing an offence.

HON. MR. POWER—It would make it very awkward in prosecuting a man to have to prove that he did know he was violating the law.

The clause was agreed to.

HON. MR. ODELL, from the Committee, reported the Bill with certain amendments.

It was ordered that the Bill be read the third time to-morrow.

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Wednesday, May 16th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

STANSTEAD, SHEFFORD & CHAMBLY RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (73) "An Act respecting the Stanstead, Shefford and Chambly Railway Company" with amendments.

He said—These amendments occur in the twelfth section of the Act, which empowered the company to enter into an agreement with the Waterloo and

Magog Railway Company, or the Missisquoi Valley Railway Company, or both of them, and the amendment that has been read strikes out the power to make an agreement with the Waterloo and Magog Railway Company. This was the only point of opposition to the Bill, and by agreement of the promotors and the opponents of the Bill it was settled that these words should be struck out. They are struck out in two parts of the section to make it conform. The other amendment is to insert after the words "Missisquoi Valley Railway" the words "and Black River," as that was the proper title for the company. These amendments were settled by agreement between the parties and concurred in by the Committee, and they are now reported.

HON. MR. STEVENS moved that the amendments be concurred in.

The motion was agreed to and the Bill, as amended, was read the third time and passed.

THIRD READING.

Bill (97), "An Act to amend the Act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West," was reported without amendment from the Committee on Standing Orders and Private Bills, read the third time and passed.

BANK OF LONDON WINDING UP BILL.

THIRD READING.

HON. MR. VIDAL, from the Committee on Banking and Commerce, reported Bill (80) "An Act to provide for the winding up of the Bank of London," with amendments.

He said—The first amendment changes the term from three to five years. The second is also necessary, inasmuch as there is no provision in the Bill for declaring the charter dissolved. The other is to prevent the improper transfer of stock from some responsible to an irresponsible party, which might take place if not guarded this way. The object of the amendments is to bring the Bill into harmony with former legislation. I move that the amendments be concurred in.

The motion was agreed to.

HON. MR. VIDAL moved that the Bill be read the third time.

HON. MR. ALEXANDER—I speak on behalf of the population of the Province of Ontario, when I object to this Bill passing. As far as the rural population of this Province are concerned, they are distinguished for industry, high principle, enterprise and intelligence, but the conduct of two or three individuals in London and Toronto has cast a blot upon the reputation of this noble province. It is time that the Parliament of Canada should take some action to put a stop to the recurrence of such frauds as have wrecked the Central Bank of Toronto, the Bank of London, and a Loan Society of London. Those people who are guilty of such conduct are no better than criminals. They have brought families to ruin and yet they wantonly brave society. We know, with regard to the past, how leading men have been connected with the burning of the books of a bank. That has led to the crime with which we are now dealing. Those who inspired the burning of those books ought to be arraigned as criminals. We ought to take steps to prevent these people from enjoying the fruits of their dishonesty. If we do not, the public sentiment of the country will be degraded. If we allow those persons who have been guilty of these criminal acts to occupy the highest positions in the country, it must bring the curse of God upon the Dominion. It is the duty of the Senate, composed as it is of able and independent men, to try if possible to bring these men, who have been guilty of wrong-doing, to punishment.

The motion was agreed to and the Bill was read the third time and passed.

PAUPER IMMIGRATION.

MOTION.

HON. MR. MCINNES (B. C.) moved

That, in the opinion of this House :—

1st. The importation of Pauper Children and adults from "Emigration Homes and Poor Law Unions" should be discouraged;

2nd. The importation of inmates of "Workhouses and Reformatory Schools" should be absolutely prohibited;

3rd. The Government should adopt such a policy as will not only be the means of retraining our present population, but of inducing those who have gone to the United Stotes to return to Canada.

He said—We have now been in session for nearly three months and are within a few days of prorogation; and being fully conscious of the fact that hon. gentlemen are not in a mood to listen to long speeches, no matter how interesting or important the subject, I will therefore endeavor, as far as possible, to condense my remarks and to occupy as little of the time of the House as I possibly can. This subject of immigration to this country is one of the most important questions that it is possible for parliament to discuss; it is one that is far-reaching in its results, for it is not only the present but the future that is to be considered in the effect of this enormous amount of very undesirable and worthless immigration that the Government and people of this country are paying for. I will only make a few remarks on this part of my resolution as I intend to refer hon. gentlemen to the views and the opinions of other gentlemen who are in a much better position than I am to give an intelligent and impartial verdict on this question. Before I quote any authorities on this subject I may refer to the condition of our asylums, our penitentiaries, our reformatory institutions and our jails, since this vicious and very absurd system of assisted immigration has been adopted. The inmates of those institutions have increased in consequence of this forced system of immigration, and it is with a view to checking that undesirable class of immigration to this country that I was induced a couple of days ago to put this motion on the order paper. I will, in the first place, call the attention of the House to what occurred in the Committee on Agriculture and Colonization in the other branch of the Legislature, and I will quote what Dr. Ferguson, the M. P. for Welland said, and I might remark that he is an eminent member of the medical profession and a good Conservative, and also a prospective Minister of the Crown. He was not the only medical gentleman on that Committee who expressed an equally strong opinion against the importation of waifs and worthless characters. There were Drs. Wilson of Elgin, Platt of Prince Edward, and Macdonald of Huron, who coincided with the views he expressed. This is what Dr. Ferguson is reported to have said :—

Dr. Ferguson, of Welland, was opposed to the importations of waifs and strays distributed by the agents of Miss Rye and Miss Macpherson. The virus of the vilest form af disease might just as well be brought out, and surgeons sent through the country to inocculate the people with it, The children were the offspring of vice, and if not physically, were mentally diseased. Dr. Wilson, of Elgin, and Dr. Macdonald, of Huron, largely shared in this view.

I would now call attention to the very emphatic resolution passed by the Toronto City Council on the same subject. I will not read the preamble, but merely the resolution itself :—It was moved by Ald. McMillan, and seconded by Ald. Carlyle (St. Thomas), and is as follows :

"*Whereas*, during the last winter season, and to a great extent for a number of years past, the demands on the resources of the various charitable institutions and of the city authorities for assistance to destitute immigrants have been so great and of such a character that the resources of the civic authorities and others interested in the question of providing relief for the destitute have been seriously overtaxed, and the causes which have led to this state of affairs require our most serious consideration; and

"*Whereas*, according to reliable information received from various sources, and from information obtained in some cases from the applicants themselves, a great many destitute persons have been sent over to this country by the Poor Law Guardians of Great Britain and the various charitable institutions of that country in order to relieve themselves of the further support of persons who are unable to provide for themselves in their own country; and

"*Whereas*, we believe that continued efforts are being made by the parties aforesaid to ship to this country during the coming season this very undesirable class of

immigrants, to the great injury of this city and the country ; therefore be it

"*Resolved*, That the Council of the corporation of the city of Toronto enter its most emphatic protest against the continuance of this practice of shipping to this country a class of people so very undesirable and who, being unable to provide for themselves in the Old Country, necessarily become a burden on the charitable institutions of this country, and help to swell the number of inmates in our gaols and lunatic asylums ; and that a copy of this resolution be sent to Mr. Peter White, M. P., chairman of the Immigration and Colonization Committee of the House of Commons at Ottawa,to our representatives in Parliament, to the Governor-General-in-Council, and to the Secretary of State for the Colonies in G eat Britain ; and that the 33rd and 35th rules be suspended to allow of the passage of this resolution."

There is certainly no uncertain sound about that resolution.

HON. MR. READ—Yes, but that does not refer to the class of people you are speaking of at all, because they are not dependent ; they are provided for.

HON. MR. MCINNES (B.C.) — I think I shall be able to convince even the hon. gentleman from Belleville before I am through that what the resolution, just read, affirms is correct and true in every particular. I might also refer, but I do not wish to take up the time of the House by reading all the extracts that I have collected from reliable sources, but will ask the privilege to have them placed in the Senate Debates without reading them, if the House desires.

HON. GENTLEMEN—No, no.

HON. MR. MCINNES—Then I will read them. This is what the Rev. Andrew Dean, author of "The Bitter Cry of the Outcast in London," says, in his frightful account of child life in London :

Rev. Andrew Mearns, the author of the "Bitter Cry of Outcast London," gives a frightful account of child-life there. The reader is referred for information to the work itself. Mr. Francis Peek, another good authority on the subject, says that out of every five children in the low quarters of London are reared under conditions "that make cleanliness, health and morality impossible"; "the child-misery," he says, "is a most heart-rending and appalling element, and of this not the least is the misery inherited from the vice of drunken and dissolute parents and manifest in the stunted, misshapen and often loathesome objects we constantly meet in these localities." Mr. George R. Sims, the well - known writer, who has laboured long among the poor, computes that in London alone there are forty thousand families, representing a quarter of a million souls, who occupy no more than a single room each ; in these reeking tenements, "generation after generation has been reared in the most hideous wretchedness and immorality :" "the children, weak in body and frequently in mind, are growing up with a precocious and inherited wickedness." In the Euston road district there is one public house for every twenty families, and Mr. Sims,in his work on "Horrible London," says one-fourth of the earnings of the people thereabouts are spent in drink. "Enter the public houses," he says, "and you will see them crammed. One group rivets the eye of an observer at once. It is a great-grandmother, grandmother, and a mother and her baby—four generations together—and they are all dirty and dishevelled and drunk, except the baby ; and even that poor little mite may have its first taste of alcohol presently. The process is called 'giving the young 'un a taste.'" This is one of Mr. Sims's mildest pictures. To bring our unpleasant task to a close, Rev. Brooke Lambert, a clergyman who works in the east end, tells us that the cry of the four hundred thousand outcasts of London "is a terrible one ; men and women live shut out from faith and hope and love ; men, women and children live in dens and hovels unhealthy and unclean ; men earn what cannot support life, and are driven to dishonesty ; women, finding work cannot support them, take to prostitution ; children, from the earliest age possible, go the way of the men, and, God help them ! of the women, too ;" and this state of things has existed for many generations.

I will also refer to a work by Mr. Francis, another good authority on the subject, who says :—

For years the managers of "homes" have been sending out children of this class to Canada, and we are now brought face to face with the fact that parish *authorities and Poor Law Guardians* are becoming *most active in the same direction*. Some days ago we gave an extract from a report of a meeting of the Salford Board of Guardians, in which it was stated that about thirty pauper children from the Stoke Union and some from West Derby had been sent out, and that the Guardians proposed to send out another batch. The *Pall Mall Gazette* also stated recently that the example set by the *Guardians of St. Pancras* in sending workhouse *children out here* was bearing *good*

fruit, and that enquiries were being *made by other parishes as to the* power *of Guardians to vote money out* of *Union funds for this purpose.* This power, it seems, is already theirs, and, *in addition, the new Local Government* bill grants similar powers to county *councils.* The sole consideration with the *people engaged* in this work seems to be *to rid themselves of the burden* of the support of the pauper children, and they *find that their cheapest plan* is to ship them *to Canada, in a* paper recently read *before the London Conference* in connection *with the National* Association of Certified *Reformatory* and Industrial Schools, *Mr. James Rankin,* M. P., said this was "the cheapest method of dealing with waifs and strays." In his evidence before Lord Dunraven's Committee of the House of Lords, Mr. Hedley, a London Poor Law inspector stated that a number of children had been sent out and that this was "a very cheap method of dealing with the question."

HON. MR. KAULBACH—That is not the position of Canada.

HON. MR. McINNES—I know it is not the present condition of Canada, but it will be the condition of Canada before many years if we allow our native pure and moral population to become contaminated by such an undesirable immigration as that. Mr. Simms the well known writer, who has laboured long amongst the poor of London, computes that in that city alone there are 40,000 families, representing a quarter of a million of souls, who are living in the most degraded, polluted and immoral manner that it is possible to conceive of. I can go on and quote from dozens and dozens of similar reports by equally eminent philanthrophists, but I will now come to the objections made by the hon. gentleman from Belleville, that my remarks do not apply to the class of children coming to this country. I would refer him to what is stated in the *Pall Mall Gazette*, and also to what is said in the London *Canadian Gazette*:—

> In March last, the London *Canadian Gazette* said that there had been great activity among the Boards of Guardians this spring in assisting paupers to emigrate to Canada, and in the latest issue of the same paper to hand, we find the following statement. "We spoke last week of the work of Mr. Middleton (Children's Emigration Homes, Birmingham). It may be of interest to note that the utmost care is taken to ensure that no parents or *relatives shall be relieved* of a legitimate responsibility and burden, and that no children shall be taken to Canada who have a reasonable chance of growing *up in honesty and virtue* in England." It is certainly of interest to *us* to note this. It is, in fact painfully interesting to learn that we are receiving from this among other sources only children who are waifs and strays, picked up in the slums of the great cities, and who have no reasonable chance of becoming honest and virtuous in England.

Now, hon. gentlemen, if this statement does not justify the remarks I have made, and the adoption of the resolution before the House, I will despair of anything proper moving members of this House. I would ask, is Canada prepared to open her arm nd receive the offspring of crime and vice that has been ingrained into them for generations past? It is just as reasonable to take from our forests a common wolf and try to domesticate him in a few months, and eradicate his wild, savage nature and make a serviceable dog of him, as to expect that we can go amongst the slums of London and take the offspring of crime, with the vices of generations ingrained into them, and convert them in a few months in Reformatory schools in England into honest, virtuous and industrious people. I say that a greater wrong we cannot inflict on posterity than to go on encouraging that description of immigration, I claim that every true Canadian, who is proud of his country and of the high moral standing that it occupies amongst the nations of the earth, should keep aloof from and absolutely prohibit an immigration that will contaminate and corrupt our people morally, physicially and intellectually. I am willing, as every true Canadian is willing, to extend a helping hand towards ameliorating the condition of the poor and suffering of the motherland; but, I ask is there anything to justify the contention that we should assume the entire responsibility of caring for these waifs? Why do they not act honestly and reasonably with us, and send to us a fairly decent class of immigrant children who are likely to grow up and become useful citizens of this country, instead of the offspring of crime and vice?

HON. MR. KAULBACH—They do.

HON. MR. McINNES—I say no. There is the statement of one of the

guardians. He boasts of it, and Canada is to-day the only place, I believe, in the civilized world where pauper children, the indigent and the helpless, the blind, the lame and the halt, and the graduates of crime from the different reformatory institutions of Great Britain and Europe, are allowed to be shipped to, without let or hindrance. The United States Congress some years ago passed a most stringent act by which such immigrants are not permitted to land on their shores. Australia, New Zealand, the Cape of Good Hope are all too far away; it costs too much to ship paupers out there, and it appears that Canada has been selected as the dumping ground for that vast amount of immoral and polluted immigration. I claim that it is the bounden duty of the Government and of the people of this country to protest, in the most emphatic manner, against this immigration, and if that is not sufficient to stop it, then I claim that the Government should pass an Order-in-Council or ask Parliament to place a law on the Statute Book forbidding the class I have referred to from landing in any part of Canada. Some few years ago I took the trouble of ascertaining the number of immigrants that came from Europe to the United States during this century, and hon. gentlemen will perhaps be surprised when I tell them that, according to the most reliable data I could get, over 11,000,000 Europeans came to the United States during the present century and that, too, without costing their Government one dollar. The Government of the United States never contributed any money towards assisting immigration; yet in order to protect their country against the influx of an undesirable class of immigrants they had to place a law on their Statute Book by which people of that kind were not allowed to land on any of the shores of that country. Then what necessity is there for us to go on year after year expending enormous sums of money to bring immigrants to this country I claim that the money could not be put to a much more useless purpose. I believe that it would be very much better if the Government were to withdraw every agent that they have in Europe, and that not another dollar should be expended in the manner it has been for many years, in encouraging immigration to this country. If a desirable class of people come, let us receive them with open arms and do what we can to assist them in making a start in this Dominion, but let us be sure, in the first place, that they are a desirable class, that they are the same class of people who immigrated to this country up to fifteen or twenty years ago. They were poor, but honest; they were not taken from the slums of the great centres of Great Britain and other European countries. They were men who came of honest stock, and we have only to look around us, in all parts of this great Dominion, to find ample evidence of their industry, their thrift, their indomitable perseverance and their high standard of morality. That is a class I say we should encourage the immigration of; but I claim that we are standing in our own light and that posterity will condemn us unless we take some steps towards stemming an undesirable kind of emigration to our shores. I find that the total amount expended to promote immigration into this country last year was $341,236, the items of which come under the following headings :—

Salaries of agents in Canada	$33,483
do do Europe	17,446
Contingencies of Canadian agencies	20,835
Expenses of European agents	15,507
Printing and advertising	49,418
Paper for pamphlets	20,024
Transports of immigrants inland	21,719
Commission on children at $2 per head	2,664
British Columbia bonuses	2,700
Expenditure on repatriation account	4,663
Assisted passages and commissions	46,282
Meals for immigrants at Quebec	18,037
Salaries at Levis agency	2,225
Paid for distributing pamphlets	800
Freight expenses and cartage	1,165
Extra clerks in Ottawa	5,793
Paid for subsidizing immigrants	3,677
Locating immigrants	1,282
Literary services, preparing pamphlets, etc	2,857
Paid for special services	10,777
Expenditures on delegates	1,226
Travelling expenses of employes	7,134
Intelligence service	6,609
Miscellaneous	9,849
Special expenditure by High commissioner's office	34,033
Total for 1887	$341,236

I forgot to mention that commissions on children at $2 per head had been abolished. The very idea of paying a premium of $2 to hire agents for every child they are instrumental in bringing into this country is, in my opinion, perfectly absurd. Has any country in the world ever had recourse to such steps as that? I think not. I find that no less than $20,000 has been expended, for paper alone, in publishing emigration pamphlets during the last year.

HON. MR. GOWAN—That is for immigration generally.

HON. MR. McINNES—I am not now speaking of those pauper children and pauper adults but of immigration generally. I find, according to a book published here, (the Canada Statistical Abstract) under the authority of the Department of Agriculture, that it cost the last three years, 1885, 1886 and 1887, $952,426, and I might mention here that the average a little over $300,000, for the last three years, is less by more than $100,000 a year, than the previous three years. I find that during 1885, according to the same authority, 79,169 immigrants came to the country who declared their intention of settling in Canada. In 1886 there were 96,152, in 1887 there were 84,526, making a total in three years of 232,847, or an average for the last three years of a little over 77,000 a year. That would give an average cost per immigrant, who declared his or her intention of remaining in Canada, of $4.50 each.

HON. MR. KAULBACH—Very cheap that.

HON. MR. McINNES—I will show the hon. gentleman before I am through that it is not so very cheap after all. I come now to the last portion of the resolution before the House, and I may say, before I proceed, that something like six or seven weeks ago, while the Unrestricted Reciprocity debate was going on in the other chamber, while in the Gallery one day I found that a number of gentlemen, strong supporters of the Government, claimed that the emigration from Canada to the United States was nothing like as large as the opposition claimed it was. They admitted that a very large number of young men and women went to the United States annually, but it was only for a short time to work in the lumber woods and in the factories and then return after a few months with the proceeds of their labor; it was denied that they went to the United States with the intention of remaining, or that any considerable number did remain and became citizens of the United States. I said to myself, is it possible to get an official statement showing the actual number of heads of families who have emigrated to the United States for the last three years? I visited the American consul here and asked him if he could give me a list of the American consuls and consular agents in the Dominion of Canada. He kindly gave me a list and from that, having got their addresses, I sat down and penned them the following letter:—

OTTAWA, March 22nd, 1888.

Dear Sir,—My esteemed friend, Honorable Thomas W. Hotchkiss, American Consul here, is my warrant for asking you for the following important information:—

According to the records of the consulship within your jurisdiction, what is the total number of *heads* of families who have gone to the United States during the years 1885, 1886 and 1887, giving the total number of each year separately.

I am an ardent advocate of Unrestricted Reciprocity with the United States, and would like to have the above information to use in discussing the question in the Canadian Senate.

By complying with this request at as early a date as possible, you will confer a great favor upon

Yours very truly,
THOS. R. McINNES.

JAMES W. TAYLOR, ESQ.,
United States Consul,
Winnipeg, Manitoba.

It will be seen by this letter that I did not mislead these gentlemen, or attempt to screen the purpose for which I desired the information asked for—I stated that I desired it for public purposes and to use as official evidence.

I wrote to no less than 110 United States consuls and consular agents at different points, from Victoria, British Columbia to Sydney, Cape Breton. I received replies to eighty-two of the letters which I sent out. I will take the

liberty of reading a few extracts from four or five of them. The first to which I will refer is from Mr. Andrew Bain, the consular agent at Hawkesbury, Nova Scotia. He states that he has no record of the number of heads of families, but he volunteers the information that he is not only a consular agent there, but that he is also the agent of a steamship line that plies between Hawkesbury and Boston, and that during the summer of 1885 he sold to young men and women going to the latter place, 646 tickets, in 1886 he sold 669, and in 1887 he sold 560—in all, 1,875 in the three years mentioned. He adds, "I would safely say that three-fourths of the number were intended settlers for the United States." I will next refer to a letter from Mr James Whelan, United States Consul at Fort Erie, Ontario. He says "we can give you those only who have taken with them their household effects. Of persons selling out all their household property and going to the United States with only ordinary baggage, we have no record." Mr. John Devlin, Consul at Windsor, Ontario, says "The above figures represent perhaps one-half of the actual number. There are a large number going over by trains and making the entry at the Customs House in Detroit." I may say here that some of the Consuls have informed me that all that is necessary for a person going to the United States and taking excess of baggage or household goods or other such property with him, to do is to go before a Custom House Officer at the port of entry and make a declaration to the effect that he intends to be come a settler in the United States and he is not required to pay duty on such goods. I next come to Mr. Jerome Eddy, United States Consul in Chatham, Ont., who says "You will find enclosed the information you desire. It will be safe to add about one-fourth to the number of heads of families going to the United States, who get their effects passed at the Customs House when they cross the line. From this consular district I give you the number of families and the amount of effects which they took with them, which is very large, as will be seen by the figures I will submit presently. I next come to Point Levis. The consul there, Mr. Lewis A. Farmer, says, "In explanation would say that this includes only the emigrants who make a declaration to become citizens of the United States. There are large numbers of heads of families who have excess of baggage and send the same as freight. Hundreds leave this district annually without any record at all at this office." I now come to the last extract that I will trouble you with, and that is from Mr. James W. Taylor, United States Consul at Winnipeg. He says "Having obtained permission from the Department of State at Washington to furnish the statistics of immigration from this consulate, I enclose the following statements :—

Years.	Heads of Families.	Value of Effects.
1885.....	99	$23,121.00
1886.....	93	25,340.00
1887.....	149	34,745.00
Total....	341	$83,206.00

It will thus be seen, the average value per household is $245. He also volunteers this information

"this statement does not include immigrants reporting their effects in person to the United States customs officers at the frontier, but only those who forward their household goods, &c., as freight."

If any hon. gentleman has the least desire or curiosity to examine those certificates they are here for that purpose—they are public property and I ask the closest scrutiny. Every one of those statements is certified, and open to inspection now, or before prorogation. The following tabulated information is the result of my correspondence with the United States consuls and consular agents throughout the Dominion on the subject of the exodus of families from Canada to the United States :—

Names of Places.	No. of Heads of Families who have gone to the United States during the years :—			
	1885	1886	1887	Total.
Guelph, O.....	101	137	118	356
Halifax	†			
Barrington, N.S....	*			
Bridgewater, N.S...	†			
Liverpool, N.S.....	*			
Lunenburg, N.S....	†			
Shelburn, N.S.....	*			
Hamilton, O.....	206	293	277	776
Paris, O.....	89	121	115	325
Kingston, O.....	71	92	125	288
Gananoque, O.....	11	7	11	29
London, O.....	38	290	340	668
Moncton, N.B.....	....	68	79	147
Montreal, Q.....	207	356	500	1,063
Coteau Landing, Q.	4	3	5	12
Hemmingford, Q...	†			
Hinchbrook, Q.....	9	9	13	31
Hochelaga, Q.....	9	11	14	34
Huntingdon, Q.....	†			
Morrisburg, O.....	†			
Cornwall, O.....	23	43	56	122
Ottawa, O.....	198	157	177	532
Grenville, O.....	4	14	23	41
Pictou, N.S.....	*			
CapeCanso, N.S...	*			
CowBay, N.S	1	1	....	2
Glace Bay, N.S....	†			
Guysborough, N.S.	†			
Sherbrooke, Q.....	74	100	94	268
Lingan, N.S.....	*			
North Sydney, N.S.	*			
Port Hastings, N.S.	*			
Pt.Hawkesbu'y,N.S.	25	33	32	90
Pugwash, N.S.....	†			
Sydney, N.S.....	*			
Plymouth, N.S....	....	7	7	14
Dartmouth, N.S....	†			
Port Hope, O.....	43	75	88	206
Cobourg, O.....	26	54	53	133
Port Rowan, O....	*			
Port Stanley, O....	†			
St. Thomas, O.....	113	292	133	538
Prescott, O.....	15	22	19	56
Quebec, Q.....	52	67	70	189
Chicoutimi, Q	3	5	7	15
Point Levis, Q.....	70	98	96	264
Sheffield, Q.....	†			
Sorel, Q.....	†			
St. John N.B.....	96	90	106	292
Bathurst, N.B.....	1	1	1	3
Fredericton, N.B...	7	11	27	45
Newcastle, N.B....	10	17	28	55
St. John, Q.....	†			
St, Stephens, N.B..	5	6	32	43
McAdam Junc.,N.B,	1	1	8	10
St. Andrews, N.B..	1	1	2	4
Picton, O.....	12	13	17	42
Carried forward..	1,525	2,495	2,673	6,693

* No record kept.
† No reply.

Names of Places.	No. of Heads of Families who have gone to the United States during the years :—			
	1885	1886	1887	Total.
Brought forward.	1,525	2,495	2,673	6,693
Amherstburg	17	26	13	55
Belleville	†			
Deseronto	†			
Napanee	41	42	57	140
Brockville, O.....	33	40	22	95
Charlottetown,P.E.I	*			
Alberton, P.E.I....	†			
Georgetown	3	3	4	10
Head St.Peter's Bay	†			
Souris	1	1	2	4
Stanley's Bridge ...	5	5	5	15
Summerside, P.E.I.	30	30	40	100
Chatham, O.....	27	161	118	306
Clifton, O.....	73	93	128	294
St. Catharines, O..	70	83	103	256
Coaticook, Q.....	39	51	139	229
Georgeville.....	†			
Hereford	17	18	18	53
Lineboro	†			
Polton	14	20	11	45
Stanstead	23	18	15	56
Collingwood, O....	38	53	69	160
Orillia	22	24	19	65
Owen Sound.....	15	25	29	69
Sault Ste. Marie....	22	37	70	129
Fort Erie, O.....	14	29	31	74
Gaspé Basin, Q....	....	1	....	1
Goderich, O.....	171	310	282	763
Stratford.....	†			
Stanbridge	78	123	97	298
Three Rivers, Q....	14	20	32	66
Toronto, O.....	450	552	577	1,579
Whitby, O.....	32	44	39	115
Victoria, B.C.....	158	211	198	667
Wallaceburg, O....	17	15	19	51
Windsor, O.....	49	82	22	153
Windsor, N.S.....	9	14	17	40
Cornwallis, N.S....	†			
Kemp, N.S.....	†			
Parsboro, N.S	5	4	7	16
Port Joggins, N.S..	*			
Walton, N.S.....	16	16	15	47
Wolfville, N.S.....	....	9	7	16
Winnipeg, M.....	99	93	149	341
Emerson, M.....	†			
Port Arthur, O	†			
Woodstock, N.B...	†			
Yarmouth, N.S....	†			
Annapolis, N.S....	†			
Sarnia, O.....	267	286	310	863
Digby, N.S.....	4	6	2	12
Cartwright, Ont....	17	17	12	46
St. George, N.B....	*			
Totals	3,415	5,056	5,351	13,822

* No record kept.
† No reply.

Multiplying the total, 13,917, by five, the recognized average number of a

family, will give a total of 69,585 as the certified exodus from Canada those three years. But it will be observed that, according to the foregoing statement, out of one hundred and ten letters sent to consuls I got no reply to twenty eight, and thirteen of those that did reply kept no record, so it will be seen that only sixty-nine, or a little over one-half of the number written, gave the information asked for.

HON. MR DEVER—I would like to ask the hon. gentleman is there any one left in those places?

HON. MR. MCINNES—There are a few left to tell the sad tale. The places of those who have gone have been supplied by a very inferior class of immigrants from across the ocean. The reason I went back only three years for the information I have just given is this : after the last Presidential election, nearly all the principal American consuls in this country were dismissed, and I was afraid that the old consuls would leave no record of the immigration referred to, as it is not obligatory on them to keep such a record.

HON. MR. BOTSFORD—Has the hon. gentleman any statement of those who returned to Canada ?

HON. MR. MCINNES—No, but I would just say that once a man, the head of a family, sells all his realty and goes to the United States consul to get a certificate to enable him to take his extra household goods into the United States free of duty and declares his intention to become a citizen of that country, it is very good evidence that he has gone there to stay and is lost to Canada forever.

HON. MR. BOTSFORD—There i plenty of evidence of families coming back.

HON. MR. MCINNES—Families ?

HON. MR. OGILVIE—Families by the hundreds are coming back.

HON. MR. MCINNES—I am not prepared to accept the unsupported dictum of the hon. gentleman, but I hope he will adopt the means I have employed and show this House, on the same reliable and indisputable authority that I have produced, whether families are returning from the United States. I think he will find they do not run into dozens.

HON. MR. POWER—Do you make any allowance in your statements for the places from which you got no return ?

HON. MR. MCINNES—No: if allowance is made for the twenty-eight places, including the city from which the hon. gentleman comes, (Halifax), I have no doubt at all but the total number of families would reach sixteen or seventeen thousand. According to the extracts which I have read from consular letters, hon. gentlemen will observe that it is only the better classes of our families going to the United States that think of getting certificates from the consuls. There are different ways by which they can avoid doing so. They can either dispose of their household property, as most of the poorer classes do, and go without any extra baggage ; or they can go to the port of entry in the United States and make a declaration before the Collector of Customs that their intention is to become settlers in the United States, and in that way avoid payment of duty. Taking into consideration the fact that there are tens of thousands of young men and women, and thousands of families, of whom we have no record, I believe there is not a shadow of doubt but that the exodus from Canada to the United States is as great, if not greater than the questionable assisted immigration into the country. I fear when the next census is taken in 1891 we will find that whatever increase of population has taken place in the Dominion will be wholly and solely due to the natural increase. One of those heads of families that I have referred to is worth half a dozen, on an average, of those importations from the mother country and elsewhere. This reminds me of the patriotic speech delivered by my hon. friend from De Salaberry (Mr. Trudel) last year, when he rose in his place and like a patriot

urged and pleaded with the Government to adopt some means to rapatriate his compatriots. I was astounded at the figures he gave. I have no doubt his deductions were the result of the most careful examination and are strictly correct in every particular. He stated that no less than 800,000 French Canadians are living in the United States to-day. I thought I had not heard him correctly and I repeated the question and his reply will be found at page 428 of the Senate Debates of last session as follows :

I have just stated that the French Canadian population in the United States amount to about 800,000. In those figures I do not include those of French origin in the United States such as the French population at New Orleans, or the French population of the Madawaska which is composed of Acadians. I have taken only the figures as far as I could recollect them of that part of the French population of the United States which comes from immigration from Canada."

That is a sad state of affairs, that nearly as many French Canadians are living in the United States as in the Province of Quebec,—a sad state of affairs that 800,000 French Canadians should be obliged to seek homes in the neighboring republic : and if there are 800,000 French Canadians, I ask how many English speaking Canadians are there in the United States? There is scarcely a family in any of the Provinces of Canada, as many of those who are acting as consular agents have assured me, that is not represented by two or three of its members in the neighboring Republic. I believe I am within the mark when I say there are a million and a half of native Canadians in the United States, or one-fourth of our entire population. It is a sad and humiliating position that we find ourselves in, according to the statement furnished by the hon. gentleman from DeSalaberry: and in what positions do we find his compatriots in the United States? You will find them occupying positions of honor and trust in every department and walk of life, from Congress down. It shows, that notwithstanding the natural dislike and prejudice, common to all nationalities, against races not kindred with them, these people have succeeded by their industry, ability, pluck and enterprise in raising themselves to positions of honor and trust in their adopted country. Every honorable calling and profession, requiring physical and mental ability, is represented by them. That is conclusive evidence to me, and ought to be to everyone, that the very best blood of Canada is finding its way to the United States and instead of encouraging the spurious immigration that I referred to in the first part of my speech, we should try and retain our own population, instead of allowing them to help to build up a rival nationality.

HON. MR. O'DONOHOE—How can you keep them ?

HON. MR. McINNES—I believe there is but one way, by which they can be kept in Canada—that is, to break down the miserable contracted and selfish policy which has built up a commercial Chinese wall between the two countries. The commerce between Canada and the neighboring republic should be, as nature intended it to be, as free as the water that flows down the Ottawa, or the flowing of the mighty tide of the ocean —that and that alone is the means by which we will succeed in retaining our own population. It is contended that if free and unrestricted trade should be established between the two countries, there will be nothing to prevent our being crushed out of existence, and our identity as Canadians being destroyed.

HON. MR. ABBOTT—Hear, hear.

HON. MR. McINNES —My hon. friend from DeSalaberry gave evidence last year in this House that there is no power in the United States, or elsewhere, to crush out the pluck, perseverance and indomitable energy of the Canadian people.

HON. MR. VIDAL —Give them a chance.

HON. MR. McINNES—That is what I say—give them a chance. Remove the barriers raised by selfish people on both sides of the international line. Will any sane person contend for a moment

that we have not equally good facilities with the United States to become a great manufacturing country? Our climatic conditions are as favorable as theirs, and we have all the great fundamental necessaries for manufacturing industries—the best timber to be found on the continent of America, if not in the world, monntains of iron ore, vast areas of coal and cheap labor. We have equally good, if not superior water privileges to those in the United States. Having all these advantages we ought to be in a position to compete successfully with the United States, or with any people in the world. All that is necessary, is to get a large and rich market such as the United States offers. We have at present about 200,000 of our population (manufacturers) who are supported and being enriched at the expense of the balance, five millions people. That is the true position of affairs in Canada to-day. If we had unrestricted reciprocity with the United States guaranted for a term of say 50 years, so that it could not be repealed or abrogated by giving one year's notice, as has been the case in all the previous treaties with that country, you would find the Americans pouring into this country by tens of thousands, bringing with them millions of capital and you would find a dozen manufacturing establishments in Canada for every one that we have to-day (Laughter). Hon. gentlemen may laugh, but I have given the reasons. We have the climate, the water power, the coal, the capital, iron, and cheaper labor and I am sure that no Canadian, or at least very few, would for a moment think of going to the United States, if he could do anything like as well as in his own country.

HON. MR. ALEXANDER—We have better institutions.

HON. MR. McINNES—Our institutions are better—I believe, the best ever devised by man.

HON. MR. McMILLAN—Why decry them?

HON. MR. McINNES—I am not decrying them. I am only condemning and decrying those who are mismanaging the public affairs of the country. I am pleading for those classes who are, by force of circumstances, oppressed and driven away from Canada to become citizens of the United States.

HON. MR. OGILVIE—You cannot get a majority of the people to think as you do.

HON. MR. McINNES—I will not reply to that gratuitous assertion, because if I allowed myself to be led off on a side-track it would lead me into a new field which would not redound to the credit of the Government and their supporters.

HON. MR. READ—Do not spare them for my sake.

HON. MR. McMILLAN—Come out squarely for commercial union.

HON. MR. McINNES—As an independent member I do not think it would be derogatory to the best interests of Canada if we had commercial union, and should it ever become a live political issue I will be prepared to discuss it.

HON. MR READ—Why not call it annexation, pure and simple!

HON. GENTLEMEN—Hear hear.

HON. MR. McINNES—Several hon. gentlemen have referred to annexation more than once during this debate, but I think they and the party to which they belong ought to have their lips sealed on that question, because whenever an occasion has arisen they have proved themselves to be the most disloyal people in Canada.

HON. MR. OGILVIE—In your estimation.

HON. MR. McINNES—Yes, and in the estimation probably of the hon. gentleman himself, if he would only express his opinions honestly. Does he remember what occurred in his own city, Montreal, on one occasion—the burning of the parliament buildings and the rot-

ten egging of the Governor General by Tories? Something that has been a disgrace and a stain on the fair name of Canada ever since!

HON. MR. ALEXANDER — The manifesto of 1849.

HON. MR. McINNES—When I spoke of unrestricted reciprocity in connection with the Fishery Treaty, I was assailed at once and told that it was nothing but annexation. I showed at that time that before the Treaty of 1854, annexation was spoken of in the family, in the streets, at public meetings, and I do not know but it was discussed in the pulpit. It was considered no crime in those days for arrant Tories to advocate annexation, and I may inform hon. gentlemen that I have in my possession, at the present moment, a copy of the celebrated and historical annexation manifesto that was issued in Montreal in 1849, but will refrain at present from giving the names of the signers.

HON. MR. ALEXANDER—Sir A. T. Galt! Sir David Macpherson!

HON. MR. McINNES—When members of this House, against whom no suspicion of disloyalty can be raised to-day, are found amongst those who signed that manifesto, I think it ill becomes hon. gentlemen belonging to the same party, and abject followers of these men, to charge those who favor unrestricted reciprocity with the United States, with desiring to promote annexation.

HON. MR. READ—Forty years have made a great change in the opinion of the people of this country.

HON. MR. McINNES—Certainly, but in many respects it has not made a change for the better.

HON. GENTLEMEN—Oh! oh!

HON. MR. McINNES—Hon. gentlemen may say "Oh! Oh!", but before they are a few years older they may realize that a great many things have been done in the last few years that are neither creditable nor beneficial to Canada. It appears that some men cannot see or think except in a certain narrow groove.

HON. MR. VIDAL—Hear! hear!

HON. MR. McINNES—They will not allow themselves to think beyond what they are ordered to think of, or to follow any course that is not prescribed for them. If they occasionally happen to advance an idea, it is generally found to be like Euclid's definition of a line—length without breadth. This body is composed of men that ought to be above anything of the kind—men who ought to express themselves freely and fearlessly, independent of Grit or Tory proclivities, or the leaders of those parties. I do say, in reply to the hon. gentleman from Sarnia, that this is an important question and one which not only affects the present but the future of this country.

I know the hon. gentleman from Sarnia is anxious to get at his Temperance Bill and therefore would say, in conclusion, that I think it is high time that the enormous sums of money we are paying out annually to assist immigrants to this country should be entirely stopped; that the barriers ought to be thrown down and the freest possible intercourse with the United States established. By so doing we shall increase our population or, at all events, endeavor to retain our native population, which, in my estimation, is of infinitely more value to the country than anything we can import from abroad.

HON. MR. SANFORD—The speech to which I have just listened from the hon. gentleman from New Westminster is certainly not one that can be either appreciated or sympathised with by any loyal citizen of this Dominion. It is this class of speeches, this campaign literature, which has done more to injure emigration to this country than any other cause. When the hon. gentleman brought in his notice of motion referring more specially to pauper children, I presumed he must have mastered the subject. I did not suppose that we were to be favored with a series of sensational articles cut from the daily journals, which in many instances are

written in the interest of party. Those we all have the privilege of reading. The hon. gentleman would have done wisely perhaps if he had made himself personally acquainted with the character of the emigrant children sent to this country before undertaking to discuss the question. There are gentlemen in this House who have been intimately associated with that work for a term of years. I have been the resident manager of one of the first homes of this class in Canada, during the last thirteen years, the Dr. Bowman Stephenson Home, of Hamilton. I have also, for a season, had charge of the second and, I believe, largest in the Dominion. That is the Bernardo Home. It has been my business to look closely into the working of these homes and I take very great pride and very great pleasure in claiming that I am associated with one of the grandest and noblest agencies for emigration purposes in this Dominion and the result is marvellous.

HON. MR. MCINNES—What is marvellous about it? The number you bring here?

HON. MR. SANFORD—It is marvellous the grand record of those children who are brought from the homes in England; after careful training and after years in this country their record is that not five per cent of them is bad. I defy anyone to place the same number of children of Canadian parents under the same circumstances with better results. This average is not excelled, if equalled, by a like number of children of Canadian birth living in Canadian homes under the watchful care of their parents.

HON. MR. PELLETIER—Where is your record of that?

HON. MR. SANFORD—I will give you two records. First the record of the Inspector of the Government, second the inspections through our agents of the Dr. Stephenson's Home which I have in charge.

HON. MR. MCINNES (B. C.)—Will you kindly read that record to the House.

HON. MR. SANFORD—If the hon. gentleman will allow me to complete my remarks I shall be very pleased to answer any questions he may ask. I shall make no statements which I am not prepared to establish. The hon. gentleman from New Westminster introduced first the assertion of Dr. Ferguson, who intimates that the children who are brought to this country are contaminated with inherited diseases. The hon. gentleman did not undertake to tell us that other members, staunch reliable members of the Reform Party, gave most positive and contradictory evidence of the statements of Dr. Ferguson.

HON. MR. MCINNES—Will the hon. gentleman read them to the House?

HON. MR. SANFORD—The hon. gentleman may refer to these documents and he will see them. There is no trouble with regard to the correctness of these statements. They are on file in the Commons. I have been wondering from what source the hon gentleman had obtained his information leading to his making these statements. Could it be from the importation of children into New Westminster or is it possible that the hon. gentleman has moved his quarters to the City of Toronto? Whichever way this may be, he quietly switches off from the question at issue and gives liberal extracts from English papers with regard to the children in the slums of Old London, a matter which arouses our sympathy but in no sense concerns us. Now let us have the facts. The last year's importation of children into Canada, was 2,198, and of this number 1,350 were imported by institutions which have establishments in Canada. Now, the point which I wish to reach, and the point which I wish you to fully understand, is the character of that emigration —the 1,350 brought in through agencies having permanent establishments in Canada. In the city where I reside is an establishment — the Dr. Stephenson' Home—for this class, which cost in the neighborhood of $14,000, to which the children are brought direct from England for distribution. These children, before being brought over for distribution in this country, have a most care-

ful moral and religious training of from two to five years. They attend school ; they have morning and evening prayer ; they attend Church service regularly and are under the most careful direction and government, and the majority of those boys and girls are in every sense worthy of the position to which they are called here. When they are brought to Canada they are distributed over the country, and on what conditions? Do the home authorities require to give a character to the children? No, but the applicant must send a letter in all cases, from his clergyman, to establish the fact that he is a member of some church, and a worthy and respected member of that Church, before he has the privilege of taking any of those children in his care. Then what follows. An agreement is entered into by which the child is to be clothed, to be cared for, to be sent to school during a portion of the year—during the winter months—and to attend church service regularly. This is the rule established by the Homes of which I have personal knowledge.

HON. MR. READ—And it is the rule also in the one of which I have knowledge.

HON. MR. SANFORD—My hon. friend from Halifax will, no doubt, tell you it is the fact also with reference to some Catholic institutions that are bringing children into this country from England. I believe there is no exception to this rule. The child has his home, if sick he has the privilege of returning to that home, as your boy has or mine. If his conduct does not meet with the approval of his employer, if he is restive or dissatisfied, the party may have the privilege of returning him, or may send the child back to the Home, subject to correction or change. A most careful supervision of these children from this first day to the end of their eighteenth year is continued. As a rule, every six months the agent of our Home calls upon the child at his present abiding place, and has a full explanation and conversation with his employer and with the child. I must beg the indulgence of this hon. House when occupying so much valuable time on this subject because I feel a gross injustice is done to this great work in the remarks of my hon. friend. Many of those children brought to this country occupy positions in prominent families. In some cases children are put in the hands of persons who seek to make drudges of them rather than to advance their interests. On one occasion, a cold winter day, a man entered my office with his fur gauntlets and fur cap and warm heavy overcoat on and said "I have come to bring back your boy : he does not suit me." I said "Send the boy here, because we hear no complaints except in the presence of the accused." The boy came in, clad in the clothes which he had when he came from England. The thermometer was about zero. I said to the boy (who was without gloves) "What is the matter my lad?" He said "Sir, the man treats me like a dog. I am obliged to be up in the morning at four o'clock, then do all the chores until seven, when I get my breakfast, then I work all day, and at night I am put out in a woodshed, without fire, to sort beans until nine o'clock, and then I am sent up to a cold attic, and it is nearly four o'clock in the morning before I can get warm enough to sleep." Now, is it possible that a child, under such circumstances, will not rebel? Is it a matter of surprise that we should have an occasional wreck? The natural remark that I made to the man was : "When you got this lad you had a letter of introduction to us from your clergyman —you are a scoundrel. The lad will stay here." These are cases which will occur where it is supposed that the child has no protector. Notwithstanding all the difficulties with which these children have to contend, the record of the Home, of the 800 children of whom we have had supervision during these thirteen years, and over whom we have taken a watchful care for thirteen years, the result is as follows :—Five boys have been sent to jail in the thirteen years, one a tramp. Now let us have the case of the tramp. Since the sitting of this House I received a letter to the effect that there was a lad belonging to our home under arrest and that he was an imbecile and was locked up as a tramp for several days. I replied

"Keep the lad there until I can arrange to take charge of him." For three years the lad had done well with the family where he was placed, but owing to the gradual decay of his health his brain became affected. What followed? In a few days one of my trusty employes had the lad in charge on his way to New York, and did not lose sight of him until he was on board of the steamship billed for the English home. Of the five I have mentioned, two were arrested for disorderly conduct. They should not properly be placed on this list. They were twenty years of age, and they had, owing to their former connection with the Home, taken advantage of this to return and refusing to obey the orders of the Governor I had them arrested and sent to jail for a few days until they fully realized that they had to obey orders, when suitable homes were secured for them in this country. I have no doubt to-day that they hold satisfactory positions. One of the five was positively arrested for theft, another, cause unknown. Now that is out of a list of 800 children during a period of upwards of thirteen years. Next is the list of boys that have been exceptionally troublesome, but in no sense criminal; that means that the boys have been sent backwards and forwards from the home and changed places, but who to-day, as far as our record goes, occupy a satisfactory position with the people with whom they reside. That is eleven out of 800. Our girls occasionally meet with disaster. During the 13 years we have had six or eight who have been led astray. Two of these are in their graves, and the remainder to-day are occupying good positions, and two of them respectably married. If the hon. gentleman from New Westminster will visit our city and surrounding country, I will have great pleasure in showing him the home and the young men who started as inmates of that Home, whose early training was received in the Home, and who to-day occupy desirable positions in the community where they now reside. It was only a few days ago that a petition was placed before me, signed by the hon. Members and Senators of Toronto, especially appealing for one of those lads, to give him a position on the Postal service of our Government. The lad toiled hard during the day and his nights were spent at school, and he had acquired such an education that he without difficulty passed the Civil Service Examination, and I have reason to believe that he will be appointed almost immediately to the Mail Service of the Government.

HON. MR. MACMILLAN—Will the hon. gentleman tell us, from the statistics, what proportion of those children are diseased, or has he any record of it?

HON. MR. SANFORD—I can only state in general terms, and it is this: that we do not require to call in a physician for any purpose more frequently for these children than I have had to do for my own family. I have no knowledge of any disease amongst them, nothing more than of a passing character that has been cured in the hospital in a very short time. I cannot recall an exception to this. We have one lad suffering from a cataract, I believe, or something in his eyes, and that is among the possibilities with your children or with mine, but as to stating that these children are in any way the heirs of that loathsome disease referred to by Dr. Ferguson, or any class of disease, I assure the hon. gentleman, as far as my knowledge goes, such a case has not come under my notice. In all cases where a child becomes incapacitated from any cause, he is returned to the home in England. In two instances, where girls have made serious mistakes, they, at the expense of the home, were returned to the home in England. Our view, in all these cases, is as far as possible to remove all that is objectionable and give Canada those of whom the country may be proud. As I before remarked, there are a few cases in which children who are sent out have been unkindly treated, while others have suffered from over indulgence. It is sometimes the case that bright promising boys and girls go out from the home and the people with whom they are residing have become so interested in them that they have not treated them as they would treat children of their own—that is, they have encouraged them with kind words and with assurance of reward, but they failed to correct them when correction

was necessary. In many cases a child becomes wayward and requires correction, as your child or mine requires it, while there are occasional instances where they are treated harshly. The demand for those children is largely in excess of the supply. Fifty lads arrived the week before last and there is but one child left in the home; fifty girls are expected out in the month of June and we should have no difficulty in placing 250, if we had them available, ready to bring to this side of the Atlantic. I may say, in explanation, to the hon. gentleman from New Westminster, the great difficulty we have to contend with is the unwillingness of the patrons who are supplying the money, and supply it most generously to allow these children to leave England. The Stephenson Home, which I represent in Canada, has a large block of buildings in the City of London and several others in parts of England, and the difficulty seems to be that the gentlemen who contribute their money for the support and education of these children do not wish to send them to Canada.

HON. MR. MCINNES—Will they retain them?

HON. MR. SANFORD—They want to retain this class of boys and girls in England and we have had great difficulty in getting from them as large a number as we have had up to the present time. I wish to say, in conclusion, I must take a directly opposite position to the view expressed by the hon. gentleman from New Westminster. I say emphatically this class of emigration is the most desirable that Canada has, and why? You take the English emigrant and let him come to this country with a fair amount of means, and he is so established in his ways and habits of farming in the old country, so different from ours that it requires years to adapt themselves to the new conditions here, we have illustrations of people who have wasted their all in endeavoring to establish themselves, and then they are the most unhappy and helpless people that come to the country. On the other hand, their children soon adapt themselves to the customs of the country and as a rule are prosperous and successful. Now, take those lads, if they have no established habits; with Canadian training and Canadian life they very rapidly assimilate and become the most reliable class of people that we have as emigrants. And the record of those years has established this fact. The paper received from the Minister of Agriculture, containing the Government report, shows that from five to seven per cent only of emigrant children go to the bad.

HON. MR. TURNER—As my colleague from Hamilton has gone very fully into this subject, so far as the attending to those children after they come to this country is concerned, I will endeavor now to throw a little light on their treatment before they leave the old country. When I was in my native city, Glasgow, some three years ago, I met with a great number of philanthropic gentlemen who asked me to visit with them some of these reformatories and houses of refuge. I confess that up to that time I felt a good deal like the hon. gentleman from New Westminister, that workhouses and reformatories and houses of refuge were rather questionable places to get such immigrants from. I visited two of these establishments. One was the house of refuge at Chapelton, and the other was the reformatory at Mary Hill, both in the neighborhood of Glasgow, and both I understand sending a large number of just such people as my hon. friend calls "spurious immigration" to this country, and if I mistake not a large number of them are now settled in the vicinity of Belleville. I might explain what these philanthropic people are doing in Glasgow. I am proud of those philanthropists. They are ladies and gentlemen of the highest standing and culture, who devote their time and their money in looking after those institutions. A number of those hon. gentlemen spend two or three days a weeks at those institutions, seeing how things are going on. I visited the Chapelton house of refuge first. The inmates principally consist of the waifs and strays taken in the city—possibly children whose parents have died, or whose parents are so poor that they cannot support them, or have behaved so that they have left them to

take care of themselves. These are at once taken in hand by the philanthropic gentlemen and placed in the country in a healthy and delightful situation, and they are there brought up in every way that is desirable, as regards religion and morality. After they are through with their education, the lady matron makes up a batch of them and comes with them to this country and sees that they are put in proper hands and is just as particular into whose hands those children are put as it is possible to be. She comes out the following year and investigates every one of those cases. There was a difficulty in getting hold of another class of waifs, who had grown up to some extent, and their parents would not allow them to go. There was an Act passed in the Imperial Parliament authorizing that, in the case of misdemeanor or anything of that sort occurring, the magistrate would take them in hand, and, removing them from the control of parents who were only doing them an injury, place them in the reformatories. I went through the Mary Hill Reformatory, and found as nice a class of young people there as you would wish to see, who were being properly attended to and sent out to Canada and looked after the same as the others, in every respect. If I have ever felt proud of my native city it was on that occasion, when I found that the highest men in the land were doing the best that could be done for those children, sending them out here instead of sending them back to be contaminated in their old haunts. I think it is in the interests of this country, and in the interests of Glasgow that these children should be attended to in the way they are on both sides of the Atlantic.

HON. MR. ALEXANDER—It is to be regretted that the hon. gentleman from New Westminster did not bring up so important a question for consideration at an earlier period of the session. We desire not only that our population shall extend and increase, but that that population shall be industrious, honest, enterprising and prosperous.

HON. MR. POWER—Likewise intelligent.

HON. MR. ALEXANDER—The hon gentleman, I am sure, satisfied the House, from the statistical returns which he read, that his statements were correct as to the number of our citizens who had left their country to go to the United States, and I am sure the House will agree with him that those who have left the country, were from amongst the very best classes of our citizens. They were the sons and daughters of our own agricultural population, who felt, that by going to the United States, they could improve their condition of life. Now, with regard to the question of the immigration into Canada of pauper children, we all know, that in the manufacturing centres in England, and chiefly in London, there are masses of population in a sad condition and that up to the present moment it has proved beyond the power of the Imperial Parliament or the wealthy classes to provide for the moral and sanitary support of such classes. Who can remain in London one month without witnessing the dreadful poverty and wretchedness of thousands who know nothing of a God, who have never entered a church and are leading a life that is dreadful to contemplate! It is surely undesirable that the children of such parents, should be brought indiscriminately and in large numbers to our shores. Anyone who has studied this question must know, that amongst all classes of society, the wealthy as well as the poor, we find many of depraved instincts. There are some with a higher nature, some with a lower. The latter class grow up, in whatever position of life, they may be placed, to be the scourge and curse of society. This proceeds very much from the nature and training of the parents. From this it was that Scotland's popular poet, Burns, declared an honest man, the noblest work of God, a saying which will be quoted to all eternity. What are distinction and church membership or a loud profession of religion, if merely covering dishonest acts and a dishonest life? It is not alone amongst the poor that we find dishonest practices. But our unceasing effort should be to fill our territory with an honest and industrious population. The well being of society

depend upon this, and no prosperity is worthy of the name, unless produced by honest means, nor can a people be happy, who are not honest and upright. With regard to this immigration question, I believe with the hon. gentleman from New Westminster, that we should endeavor not to encourage the influx of undesirable classes of immigrants. If you go amongst the farmers of Canada, you will find that the children of such parents are brought up with habits of honesty and industry; whereas children brought from reformatories, and from the poor houses of the great cities of Great Britain, are not likely to become such reliable citizens. I know Miss Rye and Miss Macpherson. They are most estimable ladies. They are occupied in a great work of saving the poor children of destitute families, so that life shall be made a blessing to them. many of those children brought out by those ladies have proved satisfactory: of course there have been exceptions, and those ladies who have done their best to reclaim them cannot be blamed. They do their best to select proper children and to bring them here. A reformatory may do a great deal but it cannot in all cases change human nature. It is a regretable fact that with all our great advantages in Canada a vast population has to go to the United States. Why is it so? The hon. gentleman from New Westminster is charged with decrying the country, because on the floor of Parliament he calls attention to certain facts, from a sense of duty. Yet why are so many people leaving this country?

HON. MR. MCMILLAN—Because they are too well off here.

HON. MR. ALEXANDER — Those who are too well off would not leave the country if they could possibly get what they considered a fair return for their industry.

HON. MR. SANFORD—The hon. gentleman does not tell us how many come back in their places.

HON. MR. MCINNES (B.C.) — Nor can the hon. gentleman from Hamilton do so either, nor any hon. gentleman in this House, because you can count them on your fingers.

HON. MR. ALEXANDER—I do not agree with all the hon. gentleman's views, especially as to the remedy which he proposes, which might estrange us from the mother country, and by which we should eventually become a part of the United States. I have no confidence in the United States Government. I would rather live here in poverty than in the United States in wealth; therefore I do not feel disposed to try any experiments which would estrange the public feeling from the Empire to which we belong. At the same time we ought, in every legitimate way, to cultivate our trade relations with the United States. The United States Government are rapidly reducing their national debt, and the time will soon arrive when the duties will be removed from lumber and salt, and from many of our agricultural products, and there will be a comparative free trade between the two countries, but in the meantime let us not spend $240,000 a year on emigration agents, if the chief result is to bring in an unsatisfactory class of immigrants.

BILLS INTRODUCED.

Bill (89) "An Act to amend the Dominion Election Act, chapter eight of the Revised Statutes of Canada." (Mr. Abbott.)

Bill (99) "An Act to amend the Steamboat Inspection Act, chapter 78 of the Revised Statutes of Canada." (Mr. Abbott.)

Bill (135) "An Act relating to certain advances made to the Quebec Harbor Commissioners." (Mr. Abbott.)

Bill (113) "An Act to amend chapter 178 of the Revised Statutes of Canada, 'Summary Convictions Act.'" (Mr. Abbott.)

It being six o'clock the Speaker left the chair.

AFTER RECESS.

HON. MR. FLINT resumed the debate. He said:—Nothing but a sense of duty

that I owe to the children, and some of the young people brought out to this country by the philanthropists who give their means and their time to provide them with comfortable homes, and the duty that I owe to my own country, being born in it, would have induced me to come here this evening, for while the hon. gentleman from British Columbia was speaking I was taken ill and had to retire. I have come back out of a sense of duty to give my views in reference to these children. I shall endeavor to be as brief as possible and to state the case as I view it, and I believe my hon. friend from Belleville (Mr. Read) will bear me out in what I am about to say. It is nearly twenty years since Miss Macpherson and a young lady named Bilbrough came to Belleville to my house and stated the object they had in view, They wanted to start a home somewhere, and I told them that I thonght Belleville would be a good place. I took them in my carriage to a place called Marchmont. They liked it very much and we made arrangements to rent it at £70 a year. I did not know how the rent was to be paid, but I was satisfied the money would come in good time. When the house was taken the families about it were very fearful that the waifs, as they were called, would rob their orchards and steal everything about the locality. A short time afterwards 100 children arrived at Marchmont home. I was there on their arrival. Each one of them had a chest containing two years clothing, a bible and some other good books. Instead of finding them a bad lot of boys, they were found to be perfectly honest. They would not touch even an apple that fell off the limbs of the trees that hung over the Marchmont grounds. Not long after, two of the gentlemen told me they were surprised and gratified to think that those boys behaved so well, and the consequence was that they would throw apples over the fence and tell the children to take them. During the whole time those boys, and others who followed them, were at Marchmont there was no complaint that they were dishonest or that they were troublesome to the neighbors. They remained about the place or walked on the street, and in a short time they were all taken away by farmers and others. I persuaded my son to take one of them into his law office. He kept the boy there until he got through his studies and received his promotion. That young man is now married and living near Orillia: he is a barrister at law, is doing a first-rate business and is highly respected not only by those who know him there but by everybody who knew him in Belleville. I took four of those boys to Bridgewater, thirty miles from Belleville. I put one of them with a shoemaker, one with a tailor, one with a harnessmaker and one with a blacksmith.

HON. MR. MCINNES—How long ago is that?

HON. MR. FLINT—Nearly twenty years ago. These boys learned their respective trades and are all doing well. One of them took a notion to go back to England and started off without leave. He made his way to Quebec, got on board a sailing vessel and reached London where he had come from. We heard nothing from him for nearly three years. One day I met him on the streets of Belleville, and I said "Johnny where have you been" He said he had got sick and tired of Bridgewater and had gone home where he thought he could do better than in Canada, but he soon found his mistake and travelled about. He went to France, Germany, Austria, Italy, India, China and Japan, crossed the Pacific to San Francisco and returned to Belleville, and, said he "I have come to settle down. I have travelled enough to know that there is no better place than Canada for me. I am going back to Marchmont home to ask Miss Bilbrough for a loan of $20 to buy leather, last and tools, and I am going to Rednersville to start business, and I feel confident that in three months I will be able to return her the money," He went up to the home and she had such confidence in him that she loaned him the money. In three months he returned it. He is married now and doing well. The blacksmith went to a place seven miles from Bridgewater, settled down and is doing well. The whole four of these boys have been successful. In fact, all of these young people, with a

very few exceptions, have made excellent settlers. I know some of them that have become ministers of the Gospel, others have become merchants and have gone into other occupations. Over 4000 have been brought to Belleville and distributed through the country and not five per cent. of them have gone astray. I do not think three per cent. have gone astray. So far as the County of Hastings is concerned, I do not think two in the hundred have gone astray. One cold blustering morning Marchmont Home was destroyed by fire. The inmates escaped, all but one little boy, who wandered back into the building and lost his life. This happened on a Friday. The next morning I started a subscription. The very first man that I asked was a very tight man and one who had spoken a great deal against these waifs : he gave me five dollars and, in a very short time we raised sufficient money to buy another home. A large part of it was raised in the County of Hastings, and in Belleville, but we got some from other parts of the country, all the way from Halifax to London. People felt there was a necessity for the institution, and not a soul in Belleville that I asked for a subscription refused me : all gave willingly, from the fact that they had seen that the children at Marchmont Home and those who had come out of it were going to make good settlers for our country. I made arrangements for another home for them. We got it and paid for it, and everything was going on well, and finally it took fire from a defective chimney and was burnt. However, phœnix like, it rose from its ashes, and instead of being a wooden building it became a brick building, and improvements were made until now it can accommodate 150 to 200 children. Miss Macpherson carried on the work in company with Miss Bilbrough, but she wanted control of the building so as to sell it. That would not be allowed ; she took umbrage and left, and the institution came under Miss Bilbrough's management altogether. I became a trustee of it, and from that time down to the present day have identified myself with the institution. At the present time Miss Bilbrough, or Mrs. Wallace, for she was married last winter, conducts the establishment and conducts it upon proper principles. She visits and has visited, herself and others, the children in every direction. She asks them to write to her often, and she writes to them once a year herself. She knows where they are gone in every part of the country and gives me every information that I need, and I am perfectly satisfied, taking the whole number brought to Belleville, that not five per cent. have gone astray. I ask hon. gentleman where would you go and pick up 100 boys anywhere among whom you would find as few who would get into trouble? I say they have been a most desirable class of settlers. Two little boys came out the second time Miss Macpherson brought out children. They were twins—Italians. A rich farmer wanted one of them but Miss Macpherson would not part them. She said "whoever takes one must take the other." He said "I will take both." He has educated them: one is a farmer, doing well, the other is a minister of the Gospel. Last year I happened to be visiting Marchmont and I saw a lady, a stranger to me, who had her two little girls with her, one eight the other ten. She said "I have come for the purpose of getting a little brother for these two girls, and I want them to choose one for themselves from among these boys standing before me." There was one very bright little fellow who seemed exceedingly anxious to be selected, and he got as close to the lady as he could. My carriage came before the selection was made and I did not learn what followed. There were hundreds of those children adopted into families and treated as their own children. Last season I was going out on a train to Madoc. I met a very pretty little girl about five years old. She was very sprightly and pleasant, and kissed me. I made inquiries and found that an old couple that she called grandfather and grandmother had driven all the way from a place 40 miles back of Belleville to Kingston and got this child from their own Catholic Institution there, and were taking her home to adopt her as their grand-daughter. I mention these instances to show the good these philanthropists are doing. They get these

waifs in England, train them and teach them how to lead good lives and then endeavor to place them in positions in this country where they will become useful members of society. I say we could not have a better class of settlers than these children, because they are properly trained before they are brought here, and care is taken, when they are distributed in this country, to place them only with those who can bring good certificates from the ministers in their localities, or others who will vouch for their character. If a child gets into a place that is not suitable it is taken away. I know an instance where a girl of thirteen or fourteen years was taken away by a person who was well recommended. It turned out that he kept a tavern and that he put this child behind the bar. As soon as this was ascertained, the little girl was taken away. The children are well looked after, and I am sure that no institution could be better managed than the home at Bellville. A few years ago I attended a committee of the other House of which Mr. Poser, who was subsquently a member of this House, was Chariman. Miss Rye, Miss Macpherson and Miss Bilbrough appeared before them ; Mr. Lowe was also there. After the Committee had patiently heard all the parties—there was a complaint brought against Miss Rye and Miss Macpherson—the report was decidedly in favor of both of them. Mr. Poser afterwards told me that from the evidence given there he would always be a friend of those philanthropists, and he was to the day of his death. Miss Rye has brought out a great number of children, all girls. Once in a while one of them may get out of the way, but the number is small. Mr. Bernardo is bringing out children, Miss Macpherson and her sister are also engaged in the same work, and recently a gentleman has purchased a property at Brockville for $15,000 to establish the children from his home in England. Taking everything into consideration, I am satisfied that no better settlers can be brought into this country than these children, from the fact that they grow up with the country and are properly trained. It is a very different thing with adult paupers who have the idea that they must beg their way here, as they have done in the old country. The hon. member from New Westminster speaks about these children bringing diseases to the country. As a doctor, he should not object to that; it will help his business. But, as a fact, they have not brought disease to our part of the country at any rate. In twenty years not more than five or six of these children have died in Belleville, and hardly any have died in the country. If they are so diseased as the hon. gentleman would lead us to believe they are, surely the mortality would be greater, and the disease would show itself as well in Canada as in the United States.

HON. MR. MCINNES—So it does.

HON. MR. FLINT—The hon. gentleman is mistaken. So far as the reports of what has been said at home about these children is concerned, I do not care about them ; I judge from what I know of the matter. It may be all very well for poor-law guardians and other interested persons to keep those poor children in the old country and starve them to death and make as much out of them as possible. They sent out one of those poor-law guardians one time, and he came to my house to see me. I put some questions to him and he would not answer them. He had to answer me in the end. It brought on this Committee in the other House. I wrote a letter, which was published in the London *Times*, that brought him to his knees, and he had to retire from his position. The hon. gentleman from New Westminster tells us that a great many people have left the country—more than have come into it. I should like to ask him how many have gone from the great city of Port Moody ? He did not give us any account from that important place, to-day. His statements were not satisfac-factory : in the first place he told us that those who had left were young men and young women, from which I would infer that they were not married. Then having given us a total number of those young men and young women who had left the country, he describes them as heads of families and multiplies the total by five to arrive at the exodus.

HON. MR. McINNES—I said nothing of the sort.

HON. MR. FLINT—If the hon. gentleman did not say that I do not know what he did say. He talks about so many of the best of our people going to the United States and the poorest class of people in England coming to fill their places. That is not the fact. No doubt a great many good people go from this country to the United States, but many have gone that the country was glad to get rid of.

HON. MR. McINNES—A few of them were boodlers.

HON. MR. FLINT—Not boodlers: I have helped some of them myself to get out of the country. I knew a case of a young farmer who had a beautiful farm. He got dissatisfied politically and sold out his farm and everything he had and moved to the United States. He went to Michigan first, then to Iowa, then to Wisconsin, and to Dakota. Finally he sold out what little he had, returned home disgusted and bought back the farm that he had lived on and which he had sold before leaving the country. Here is living there to this day. He told me "Mr. Flint, I would not bring up my family in the States for anything. There is no Sabbath there, and I am happy to think that I have got back to my old home." I think my hon. friend from New Westminster has pursued a mistaken course here to-day—I speak particularly of that part of his speech in which he referred to the children. The second paragraph of his address relates to the importation of inmates of workhouses and reformatories. If those children are put into the workhouses and properly taken care of, is it not better to bring them to this country where there is plenty of land and they can make a good living than to let them sink into pauperism in their own country? If they are sent to the reformatory school is it not to teach them something? They are not sent there to learn to be blackguards and thieves. They are sent there to educate them and fit them for a better life than they have been accustomed to. The hon. gentleman says that the Government should adopt such a policy as will be the means not only of retaining our present population but of inducing those who have gone to the United States to return to Canada. Now, has the hon. gentleman in all his speech given us anything to say how it is possible that the Government can adopt a policy which will keep the people in the country?

HON. MR. McINNES (B. C.)—I did.

HON. MR. FLINT—Then I failed to understand what you did say.

HON. MR. ABBOTT—He wants to give the whole country over to the United States.

HON. MR. FLINT—That's it. If the people see fit to go away, are the Government to bring in an arbitrary law,—which the hon. gentleman would of course vote against, as he would almost against anything brought in by the Government—to prevent the people from going out of the country? As regards the other part, the third paragraph, that the Government should adopt such a policy as will induce those of our population who have gone to the United States, to return to Canada, how is the Government to do it? Does he want the Government to spend millions of money to bring them back? A great many have come back of their own accord, and no doubt a great many more will return, because those who have gone west are sick of blizzards, of breaking levees that drown out the valleys, and cyclones that devastate the country. I have no doubt that we will find a very large immigration from the Western States into the Canadian North West. I hope I shall never live to see the day when we are connected with the United States by way of commercial union. It is impossible to buy people to come back to the country, and if you did buy them no doubt they would have to be bought over again. I know an instance in Belleville where a candidate gave a poor man five dollars to get a barrel of flour. The other candidate came along and said "how much did he give you?" The answer was "he

gave me five dollars." Said he "I will give you six dollars," and the poor man voted for the highest bidder. When the candidate who had first bought him asked him to return the five dollars he said he had invested it in the flour and the flour was half eaten. So it is with the Canadians who have to be bought to stay in their own country. They wont stay bought. I am a true Canadian, to the manor born—born in the woods of Canada, and I glory in being a Canadian and a British subject. As far as the United States are concerned, I am quiet willing to deal with them fairly and squarely. If they want our products they can come and get them; if we want theirs we will go and get them and pay for them; and we will be better friends not to unite us together and destroy our nationality. I do not believe in commercial union or annexation, and sooner than support it I would go out and fight against it. I am in my 83rd year; still I have some vim in me yet, and if my hon. friend was on the other side of the line, and was coming across as an enemy and I could get a sight on him he would not trouble us long. I would soon knock commercial union out of him. The figures that the hon. gentleman has submitted to the House are not correct, and he cannot prove them correct.

HON. MR. MCINNES (B. C.)—On what authority do you say so?

HON. MR. FLINT—Just on the same authority that you gave. You have read a lot of papers here.

HON. MR. MCINNES—What have you reference to?

HON. MR. FLINT—The exodus to the United States.

HON. MR. MCINNES—I have the returns here.

HON. GENTLEMEN—Order, order!

HON. MR. MCINNES — I claim a privilege and I claim a right to explain. The hon. gentleman says I have made a statement and have given figures for which I have no authority and which are not in accordance with the facts. Here are the certificates, and every hon. gentleman is at liberty to inspect them.

HON. MR. FLINT—All I can say is this: I know a great many gentlemen in this country who are United States officers, and I would not take their word as authority in this matter.

HON. MR. VIDAL—A lot of their statements have been disproved.

HON. MR. FLINT—If the hon. gentleman from New Westminster is really desirous that Canada should join the United States, he should go over there and aid Erastus Wiman to instruct the people what their duty is with regard to this matter, and I have no objection to meeting him or Mr. Wiman, when and where they please, when they come into my part of the country. These gentlemen do not know one-half what they pretend to know and what they are talking about. Their object seems to be to destroy our native industries, to send the money out of the country and let our farmers and workingmen suffer. I say that our farmers, if they know when they are well off, will remain under the British flag as Canadians and subjects of Great Britain, and if they attend to their farms, they will do far better than by running after this fad as the hon. gentleman is doing.

HON. MR. READ—I do not wish to detain the House, as they must be weary of this subject, but I desire to raise my voice on behalf of those children that have been brought out to this country by philanthrophic associations. I have lived amongst them twenty years, since they first began to come to this country. I am not as intimate with the workings of those institutions as my hon. friend Mr. Flint is, but I have been enough amongst them to know that they are doing a great work. The ladies in charge of them are of a most exemplary character. They give those children religious instruction, and they do everything to advance their moral and intellectual culture and I was delighted when I heard the hon. gentleman from Hamilton tell us what

he had seen in Scotland of the preparatory instruction those children received before being sent out to this country. I have seen those fine healthy looking Scotch boys come to this country by hundreds, and after living amongst them I feel proud of them. I have seen those boys grow into young men and while I do not contend that every one of them has been a success or has behaved himself properly, very few out of the large number that have been imported into Canada have thrown any discredit on themselves or the institutions that had charge of them. These ladies who are interesting themselves in this work are self-sacrificing and philanthropic. They devote their means and their time to carrying on this work without remuneration, and we cannot but recognize the good they are doing. A record is kept of every child brought to this country, and they are not lost sight of after they leave the homes, and even after they have become fathers of families. Many of them have in after years re-paid to the homes the money that was expended in bringing them to this country. If they were thrown on the world without any care—if they were not placed with families who bore a good character, and if there was no stipulation that they should be sent to church and to school, and properly cared for, then there might be danger in letting loose upon the country such a class of pauper immigrants. I have occasionally visited these homes myself, and the ladies of my house go there very often, and see a great deal of what those institutions are doing. If any of the children are sick or ill-treated they return to Marchmont, just as any child would return to his father's house, and they are always received, no matter how badly they have behaved. It is stated that those children have cost the Government $2 a head. No doubt it is well spent money. These children are well trained to be obedient and industrious and when sent out into the world they are not turned out into the towns and cities but taken to the country where they are placed with respectable farmers, and in many cases boys who are big enough enter into engagements on stipulated wages. These institutions cannot supply the demand for boys and girls, and one can readily understand when the demand is more than the supply, the children can be disposed of to the best advantage. The hon. gentleman from New Westminster has told us that large numbers of people are leaving Canada. I am suprised at a man who claims to be a Scotchman seeing anything unusual in people going south. Is it not as natural for a Scotchman to go south as it is for him to breathe? Is it not the instinct of a Scotchman to go south? Put a Scotch louse on a plate and he will find out the points of the compass for himself and start south by instinct. Yet the hon. gentleman from New Westminster expresses his astonishment at Scotchmen going south. I dare say many of those who have left the country have returned again to Canada. This exodus cry is just in keeping with Grit politics. When the Grits are out of power they do their utmost to blacken and run down the country, and try to create the impression that no one can live in it.

HON. MR. POWER—You did that in 1877 and 1878.

HON. MR. READ—You cannot refer to a speech of mine made in '77 or '78 in which I ran down the country. I denounced the Government, for I did not believe they were an honest Government or that their policy was a proper one for this country, and I left no stone unturned until they were driven from power. Whenever gentlemen begin to take a little from Grit politics, they think they are going to raise themselves by belittling their country. They might as well stop it. They might as well be patriotic and honest. Did you ever hear a Yankee running down his own country? If he had a swamp where a bull-frog could hardly make a living he would represent it to the rest of the world as a second Eden. But some gentlemen in this country seem to think that the best means they can adopt to raise themselves is by running down their own country. I see a trades union movement in this immigration question. It comes from the people who want to get $2 wages where they

only earn $1. They want to make labor so scarce that they can control the price of it, and do not want immigrants to come into the country. It is difficult to get workmen to labor on land to-day. I admit that they have to work hard, because a Canadian farmer cannot get along unless he works hard. But the trades union people do not want any strangers brought into the country to take the work out of their hands. They want to work only five days a week and be paid for six days. The importation of people from the work houses in England is denounced by my hon. friend. I am sorry to say that there are many English farmers in the work house to-day; the competition of cheap wheat and other foreign produce has ruined them, and many a gentleman farmer who perhaps never ploughed a furrow in his life has been compelled to take refuge in the workhouse. There is no other country on the face of the earth like England. The Englishman says to his Government you have got to give me comfortable clothing, and a reasonable amount of food and shelter if I am unable to get it for myself. That is what the law of England gives to every man. He can go and demand as a right to be taken into the workhouse and to be cared for. Many an educated man has been unsuccessful in England, because when a man once gets down there it is very difficult to rise again. It is not like in this country. It is not a country of unbounded opportunities like Canada. I am sorry to have detained the House so long, but I am glad to have had the opportunity to add my testimony in favor of the pauper children who have been brought into this country by those benevolent institutions.

HON. MR. BOTSFORD—I rise with great reluctance to prolong this debate because I know there is very important business on our order paper, which has to be disposed of, but the hon. gentleman from New Westminster has made such extraordinary statements that I do not wish, by my silence, to be supposed to concur with him in the view he has taken, or in the statements which he has made with respect to emigration from the Dominion. I recollect that a fabulous statement was made some three or four years ago that there was an enormous emigration of the people of Canada to the United States. The statement came from the United States consuls, and they were so alarming that the Government thought it advisable to make an investigation. The enquiry was made by reliable people, and the statements turned out to be entirely incorrect and misleading. The statements now made by the hon. gentleman from New Westminster are certainly most alarming and most damaging to the interests of the Dominion. The hon. gentleman says that millions of people are emigrating from Canada. Is not that statement, coming from a Senator of this Dominion, calculated to injure the prosperity of this country? Most unquestionably it is. There are disquieted spirits who would be dissatisfied anywhere, and who are disposed to magnify those statements; and my opinion is if those unquiet spirits, who do not like the country and our system of government, were to leave Canada they might better their circumstances in some other land where they fancy there is better government and there are more advantages. With respect to the hon. gentleman's statement, it would lead people to believe that those who left the country are heads of families who had sold out their farms and had left the country never to return. I know personally a great many persons who left my province during some years past, some who had sold their farms, having heard magnificent accounts of the United States. I know several instances where people who sold their farms below their value and took their household effects with them to the United States have come back again to Canada and some of them have repurchased their properties at an enchanced price. There are many instances of that kind, but my hon. friend never took notice of that feature of the case. I was so much struck by the observations of the hon. gentleman that while he was speaking I got a few statistics to show the comparative increase in the population of the two countries which I will just quote for the information of the House. From the census returns of 1871, I find that the population

of the Dominion at that time was 3,635,000; in 1881 it was 4,324,810; If hon. members will make a calculation they will see that the rate of increase in that decade is somewhere about nineteen per cent. That does not look as if people were leaving the country by millions. That fact alone, taken from the census returns, which are supposed to be correct, contradicts the statements of the hon. gentleman that this country is being deserted by its population. Now, I would direct the attention of the House to the increase of population in six of the New England States according to the census of 1870 and the census of 1880, which is almost precisely the same period as the taking of the census of the Dominion. The total amount of population in the six New England States in 1870 was 3,487,924; in 1880 it was 4,010,439, or an increase of over nine per cent.

HON. MR. POWER—What are the names of the States?

HON. MR. BOTSFORD—I am speaking of the six New England States. I will refer to the State of Maine which was spoken of by an hon. gentleman as a land flowing with milk and honey, and what is the per centage of increase there in the decade from 1870 to 1880? It was just 3.81.

HON. MR. McINNES—That was caused by the exodus to the Western States.

HON. MR. BOTSFORD—The same argument will apply with equal force to the emigration from the old provinces of Canada to Manitoba and the North-West. The increase in that decade in Vermont was fifty-two hundredths of one per cent. while the increase in the Dominion of Canada was 19 per cent.

HON. MR. SCOTT—All the available land in that State was taken up a quarter of a century ago.

HON. MR. BOTSFORD—But if it is so advantageous a country that we should join our fortunes with it and our population would immediately increase, why does not the population of these six New England States increase more rapidly?

HON. MR. McINNES (B. C.)—Why not give the increase in the whole of the United States as compared with the increase in the whole of Canada? That is the true comparison.

HON. MR. BOTSFORD—I say that the statements of the hon. gentleman are perfectly inconsistent with these official statistics—that millions of people are going out of our country, while the rate of increase for the last ten years is nineteen per cent. while in the favored lands of the south, so much lauded by the hon. gentleman, the rate of increase is less than nine and a half per cent. in those six New England States.

HON. MR. SCOTT—There seems to have been a great deal of misconception of the remarks of the hon. gentleman from New Westminster. I did not understand that hon. gentleman to have made any attack on the institutions at Hamilton or Belleville, or that at Marchmont or the institution conducted by Dr. Bernardo. I have known them for a long time, and I am quite prepared to add my testimony to that of the hon. gentlemen from Belleville and Hamilton with regard to the good work of those particular institutions. I believe Miss Rye and Miss Macpherson take very great care of those children, and so do many charitable ladies who bring those children to Canada, and for that class of pauper immigration I think we have a good deal to be thankful. But hon. gentlemen have entirely ignored the fact that within the last two years the work houses in the old country have been using both Canada and the United States as a dumping ground for their paupers. Hon. gentlemen must be aware that every now and then at New York the authorities have sent whole cargoes of paupers back across the Atlantic, not only to the British Empire but to Germany and France and other countries. I think it was remarked by an hon. Senator that it has been recently held in England that the poor law guardians should apply the

moneys at their command for the purpose of exporting pauper children. Will any hon. gentleman tell me that the waifs and strays picked up in the east end of London are a desirable class of emigrants for Canada? I say no. I say that every such child should be sent back at once to the old country. No gentleman who has given the subject any thought or attention will for a moment contend that that class of population is at all a desirable one for Canada. We all favor the immigration into Canada of sound healthy people who come from the moral sections of a country, not the inmates of workhouses, prisons and reformatories—not those who choose to come to Canada rather than serve five months longer in prison. That is not the class of immigrants we want. I have in my hand articles which have recently appeared in Toronto papers, wholly irrespective of political parties, remonstrating against making Canada a dumping ground for the criminals of Europe. The attack of my hon. friend from New Westminster was not at all on the institutions to which the hon. gentlemen from Hamilton have directed their attention, and which they have thought very proper to defend. If they were of that character I am quite sure my hon. friend would not have raised his voice and if he had I would not have supported him in the course he has taken.

HON. MR. SANFORD—What is the bearing of the first sentence, "the importation of pauper children and adults from emigration homes and poor law unions should be discouraged"?

HON. MR. SCOTT—I quite recognize that the proposition is put in a broader sense than the subject warranted, and I put a mark in my own copy of the notice as applying in rather larger terms than it should do; but I did not understand the hon. gentleman to address his remarks at all to that class of children, but rather to those sent out by poor law unions and workhouses. I noticed in the Toronto *Mail* the other day an extract from the *Manchester Guardian* of April 14, in which the poor law commissioners were—

HON. MR. READ—I would ask the hon. gentleman if he has ever known of a number of pauper children being dumped on the streets of any city in Canada?

HON. MR. SCOTT—Within the last three days four hundred paupers have been dumped into the City of Toronto and to-day they do not know what to do with them. The Government of Canada refuse to feed them. and Mr. Hardy, the Provincial Secretary, out of pure mercy went down and ordered some food for them. The Salvation Army people went down to them and gave them food, and the charitable people of Toronto also gave them food. If the farmers can utilize their services, why do they not take them? We know that labor is at a high premium in this country, and that willing hands are needed in every direction to cultivate the soil, yet there is that large body of people now lying in the sheds of Toronto, and the authorities do not know what to do with them, landed there without a dollar in their pockets. Those are not all improper characters. I am not reflecting on them morally. I dare say there are many excellent people among them, but it is found on enquiry that they are wholly unsuited to the circumstances of this country. We know that in the factories in England there is such a sub-division of labor, that each branch of any manufacture has its separate calling, and the operative works at that, perhaps at pointing a pin and nothing else, even in the manufacture of an article in which a hundred hands are employed, and he is educated wholly to do one single part of it. It is that class of immigration that is undesirable for this country. No man will contend that this country will not absorb a large number of people annually that are suitable for it, and that are willing and capable of working on farms. There is not room for so many perhaps in the towns; our own mechanics very often find it difficult to get employment, especially in winter; but in a large country like this, if immigrants are capable of working they are pretty rapidly absorbed. Now, with reference to the other question that has been discussed, we have here abundance of facts, but I

do not desire to detain the House, and if hon. members will look over the Toronto papers, for the last eight or ten days, they will find for themselves that they are full of just such statements as I am now making. Here is a Mr Jackson who was interviewed on Monday last who states that for four years he has been receiving on pay consigments of children from England, trying to get rid of them. He gets his money when they land in Toronto and he tries to get rid of them. Only a day or two ago a young fellow was arrested in Toronto for maiming the cattle of his master. He was interviewed and asked about his early history. It turns out that he comes from a reformatory. He says the choice was given him of five years in the penitentiary, or go to Canada. While he was in the reformatory, he says a number of boys were given the alternative to be expatriated to Canada or remain in the reformatory. I admit that their chances are infinitely better in this country than in a crowded country like England ,where they are obliged to rub up against people of their own vicious class. Here they are elevated and improved. If we are to consider it our mission to that extent to be so philanthropic as to absorb all that class, well and good, but terrible crimes are committed by some of the boys sent out from the eastern end of London. I have in my mind now two or three instances of the kind—most dreadful crimes committed by that class of people. I say therefore that it is not desirable that we should encourage to that extreme degree a class of population that tends to poison and corrupt our own.

The other branch of the subject to which the hon. Senator has drawn attention—that of the exodus from Canada—is a pretty large one, and one that I do not propose to go into. My hon. friend has furnished as authentic records in support of his statements as could be produced. They are voluntary statements made by officials holding high positions in this country and who have no motive whatever for misrepresenting the facts.

HON. MR. MACFARLANE — The statements are all from representatives of the United States.

HON. MR. SCOTT—Yes they are, but would any hon. gentleman pretend to say there is no exodus from this country? Will my hon. friend pretend to say that if he travels through the Eastern States he will not find village after village of French Canadians? Will anyone say that in the Western States, and particularly Dakota, there are not whole parishes and townships where the vast majority are Canadians—where the Canadians have charge of municipal arrangements? If he denies that he cannot read the papers, or if he reads them it must be with prejudiced eyes. Will anyone tell me that there are not large numbers of Canadians in California? Every now and then I see it reported that so many families are going to California. At Los Angelos there is a very considerable population from our adjoining County of Carleton. They have gone there, tempted no doubt by a gentleman who has a large property in the vicinity—Mr. Casselman. He sold his property here and went to Los Angelos where he purchased a large property. He had been in the habit of employing a number of people about his mills in the township of Cambridge here. He found they were a better class of people than he was able to employ in the United States, and he induced them to go to California, promising them ready work on their arrival. That is an illustration of what is going on. The question is asked what have the Government to do with it? Why do those people leave the country?

HON. MR. POWER—The Government are "flies on the wheel."

HON. MR. SCOTT—I say it is due to the tariff that exists. That is my idea—I may be right or wrong. I say the tariff in this country is largely responsible for the exodus. I say that Canada is a better and cheaper country to live in than the United States under equal circumstances, and Canadians who leave here to go to the United States do so with very great regret. They would prefer remaining under the old flag, but they go to the United States because circumstances force them to go. It may be, and I hope it is so, that many of them

come back. No doubt they are disappointed there. Many men go, probably, who did not deserve to succeed here because they had not the perseverence or industry requisite, and lacking the same qualities there they would be glad to come back and regain their old homes if they could. I am not going to argue the subject because it does not come properly into this discussion. The hon. gentleman was forced to say that he thought the exodus was largely due to the condition of things in Canada. He did not abuse Canada. On the contrary, he spoke, as every man ought to speak, well of his country. He would not be worthy of being in the country if he did not do so. What the hon. gentleman intimated, as I understood him, was that the exodus was due to the fiscal policy which exists at the present day, that it was due to the laws which tend to make a few thousand capitalists rich at the expense of the many. What he objected to is that the Government are robbing the Peters of the country to pay the few Pauls there are. That is the cause of the exodus. The subject of the tariff is now under discussion in the United States. The people of that country are opening their eyes to the folly and fallacy of the last twenty-five years and are beginning to discover that the farmer, and the artisan and the laboring classes generally are paying tribute to the millionaires in the United States. We in a small way have been imitating their example in Canada. We are creating a few millionaires here by taxing our sugar, our cotton and every necessary of life. We are content to do that because, forsooth, it is in accordance with the National Policy, which in my judgment means that we shall all pay tributes under a system that will tend to enrich a comparatively few persons in the community. I am one of those who go in for a revenue tariff, for having Canada for the Canadians in the largest and broadest sense—that we ought not to have hothouse industries here. If an industry cannot live it is better not to attempt it. There are plenty of industries that can live and flourish in Canada better than anywhere else, and it is those industries we ought to favor, not the fictitious ones—not the hothouse class that require artificial aid—not the infant industries, that never get to manhood and never can stand alone. In the United States when they adopted that policy what did they say? They said we are only going to aid those industries until they can stand alone. They have been supported for twenty years and they cannot stand alone yet. The people have to be taxed to support them and we are going in for the same condition of things in Canada. We are going so fast that we will not continue it so long as the people of the United States have done. I think our people are coming to their senses and discovering that there is no home market for the farmer to be created by any tariff that may be framed. Our wealth, as I have stated on other occasions, is due to the natural products of the country—the products of the farm, the forest and the fisheries. The great exports of this country which bring back gold into the Dominion stand unaided by the policy of the country—not only unaided but weighted down with the additional burdens imposed by the National Policy. All we want in Canada is to be let alone—let every man do as he pleases—let people buy in the cheapest market and sell in the dearest and in five years you will not be drawing comparisons with the United States—you will have an exodus from the United States into Canada—you will make this country a home for every man who desires to obtain one on just and fair terms. The subject is a very wide one and I did not propose to be led into it, and I have only dealt with it in defence of my hon. friend who was incidently forced to give explanations which have been unfairly tortured. I am sure that the hon. gentleman never meant to reflect on the class of children that the two senators from Hamilton have adverted to. That hon. gentleman says he did not intend to do so and his statement should be accepted without question.

Hon. Mr. CLEMOW—I think it is exceedingly unfortunate that this discussion should take place at this particular time. We all know there is a considerable feeling in the Old Country now in reference to emigration. We know that

arrangements are being made and a large number of people are coming into this country, induced from various circumstances to leave the old land, and I think it is extremely unfortunate that this discussion should take place, because it may be that some advantage will be taken of it, as was done some years ago when the different agents of the railways and steamship lines and land companies in the Old Country took advantage of a celebrated speech, when circulars were scattered through the country with the portrait of a leading member of the Canadian Parliament, and had great influence in checking emigration to this country. I have heard a great deal upon this occasion which seems to be perfectly unsuited to the present time. The last speaker has referred to the exodus from this country : I recollect a time when an exodus did take place and no one in this House knows it better than the hon. gentleman himself. It was a time of great depression in this country, when the people could not live here—when it was utterly impossible. Had not the policy been changed at that time, the exodus would have been far greater, but the very moment the policy was reversed our people began to return to the country. Are we going to prevent them returning by such extraordinary speeches as we have heard this evening? I think it is detrimental to the interests of this country that such statements should emanate from the Senate. You may depend upon it that they will be taken advantage of. The hon. gentleman who introduced the resolution says it costs the Government of this country an immense sum of money for immigration, whereas it costs the United States no money. Now, I say that immigration costs the American people, whether through the instrumentality of their Government or the steamboat, the railway and the land companies, a hundred dollars as compared with one spent by the Canadian Government.

Hon. Mr. McINNES—Not the Government of the United States.

Hon. Mr. CLEMOW—I do not care what you call it, but these gentlemen obtain large areas of land and special privileges in many ways and they had expended fabulous sums of money for the purpose of inducing emigrants to settle in their country. They have succeeded admirably, and instead of throwing any difficulties in the way of those who wish to induce people to settle in Canada, we should do all in our power to help them. We have a vast territory to be settled, but what is the use of having these fertile lands if we are continually decrying the country and preventing people coming here? The statements of the hon. gentleman from New Westminster may be considered sufficiently important to be cabled as the opinion of a Senator of the Dominion and published in the newspapers of London to-morrow morning and the agents of the railway, steamship and land companies will not be slow to take advantage of them, and it may have an injurious effect and check immigration that we so much desire. As I have said, there was an exodus in former years, but that exodus has ceased. I do not believe that people are leaving this country to any extent, and I believe they are coming back because they can find profitable employment here. They could not find employment before because there was a depression throughout the land. If you allow people to return they will come, but they are not likely to come back when they hear those constant attempts of some hon. gentlemen to decry the advantages which the country possesses. I hope we will hear no more of them in the future, but that everyone will try to so frame our laws and conduct the business of the country as to make it an attractive one for people to live in. We all desire to live as economically as possible, but what is the use of living in a cheap country when men cannot find employment or earn sufficient to obtain the necessaries of life, even though those necessaries should be at a reduced figure? A working man can far better afford to pay a reasonable price for what he uses when he is employed than when he cannot obtain fair remuneration or steady work. Every man who desires to find employment can get it in this country now and can obtain sufficient remuneration for his services, provided he is willing and desirous to work. There may be isolated cases where people

are unable to obtain employment, and when such cases occur there is a great howl made about them in Toronto, but the percentage of them is exceedingly small. Pauper immigrants sometimes arrive in this country, but they arrive in much greater numbers in New York. Such incidents will occur, but they do not occur very frequently in this country. I regret, of course, that any should come here, but when they do come I believe a great many of them can be trained to be useful members of society. Therefore I think we ought to do all we can to encourage immigration and if a few undesirable individuals do come to the country, we should not make such a cry out and assert that all the immigrants who come to the Dominion are unfit to make themselves useful. I only hope that this debate may not have the effect of checking immigration: if it should have that effect we will all regret that it has arisen this evening.

HON. MR. HAYTHORNE—Although I do not see this question in precisely the same light as the hon. gentleman from New Westminster, yet I am prepared to tender him my thanks for originating this debate, inasmuch as it has had the effect of eliciting much valuable and interesting information, from which I hope much benefit may result. Perhaps I should not have taken part in this debate had it not been, as is well known, that I am connected with a province which is supposed to lose a large portion of its adult population by emigration to the United States and elsewhere. The emigration of the youth of Canada has been attributed by hon. gentlemen, on this side of the House, to the effect of the tariff. I daresay the tariff has some effect on it, but I believe that individual cases are governed by individual causes, but the governing cause, I believe, is the same in all cases —the same that led me to cross the Atlantic when I was a young man—the desire to improve my circumstances, to see something of the world in other spheres than the continent of Europe, and amongst the old walks of life. Such I believe are some of the causes which induce young men and young women to leave their comfortable homes in the older Provinces and seek their fortune abroad. Having myself lived in one of the old Provinces, surrounded by a number of well-to-do neighbors, I think I may say that the same attractions which induced me to leave my native country, attracted many young men and women in my immediate neighborhood to seek their fortunes in the United States, in New Zealand, Australia, Tasmaina, and some in other parts of Canada; but it would be a pretty hard thing to say that the exodus of those young people was caused by the tariff, because a great many of them emigrated before the tariff of the National Policy had any existence. Nevertheless I believe that the circumstances of the people in the Province to which I belong would be ameliorated by the repeal of the National Policy and the substitution of a revenue tariff.

HON. MR. MCCALLUM—What have we got more than a revenue tariff now? Do we collect more money than we require for the public service in this country? What does the hon. gentleman mean by a revenue tariff?

HON. MR. HAYTHORNE—I mean a tariff intended to produce revenue, not to protect industry. Is the hon. gentleman answered? I think that the character of the emigration which may be expected from the British Islands to this country is not adequately understood by some of the hon. gentlemen who have addressed this House. They seem to think that London is England. It is true that London is believed to be the largest city in the world, and its population is increasing very rapidly; but I think it would be unwise, if we have an alternative, to draw our immigrants from that city, rather than from the country. Another thing that seems to be misunderstood is the condition of the laboring classes, and the kind of places that union workhouses are in these days. Perhaps some elderly gentlemen like myself may suppose that the union workhouse of today closely resembles the workhouse of fifty years ago, and that the inmates of it are reproductions of Oliver Twist. That is not so. The union workhouses of today are managed for the most part on a humane and enlightened plan. The old

workhouses were calculated to produce the kind of emigrants, whose introduction my hon. friend deprecates. I will not enter upon the medical view of the case. That is a question which properly belongs to gentlemen of the medical profession more especially, and to the Department. If any blame has been incurred in this matter, with regard to the introduction of unfit immigrants, diseased persons, or people unable to earn their living and make themselves useful on landing, such, in fact, as have been described by my hon. friend from Ottawa, the blame, I think, would properly attach to the department whose duty it is to see that the service on which such a large expenditure is incurred, is properly conducted. My hon. friend from Ottawa made one remark which certainly attracted my attention, because it seemed to me that we were going back to the old days, when transportation to the colonies was a legal process, and which was abrogated because the colonies to which transportation used to take place, absolutely refused to receive the convicts. That was the case at the Cape of Good Hope, and several of the Australian colonies. They refused to receive those convicts, and it appears from a remark of the hon. gentleman from Ottawa, that an emigrant being cross-questioned in Toronto the other day, declared that he had the alternative placed before him of emigration to Canada or five years in the reformitory? If that is a fact it ought to be established on clearer evidence than the statement of a newspaper and of an emigrant in trouble. This young person had got into trouble by some means or other, and the statement is made here in Parliament, upon the sole authority of the lad. If it is true, further action should be taken on it by the Department in whose charge emigration is, under our Government, and I do hope that if there is any foundation for it, no time will be lost in properly investigating the matter, and moreover that if no means are available under the laws of Canada to prevent a recurrence of such an evil, that before Parliament separates the Government will take steps to introduce and pass a law to put a stop to the practice in the future. If I had been living in any of the colonies where transportation was permitted I would have been as strongly opposed to it as the people at the Cape of Good Hope and of the Australian colonies were in the days when they turned the convict ships back again. I wish to say a few words with regard to the improved condition of the British people about whom my hon. friend from New Westminster seems to entertain a dread lest they should prove to be ignorant, worthless, ineligible immigrants. I have here an extract from a speech of Sir Lyon Playfair, made in Edinburgh some years ago, which I quoted on a former occasion in this House, but which is so applicable now, that I take the liberty of reading it again. It has reference to the improved condition of children in Edinburgh—their improved condition in every respect. Quoting from the *Statistical Journal*, Sir Lyon said :—

> "The decrease of mortality amongst children of the school age between five and ten years, of boys had decreased thirty per cent, and of girls thirty-three per cent; and between the ages of ten and fifteen years the mortality of boys had lessened to thirty-three and of girls to thirty-five per cent."

To what causes did he attribute these important improvements? He said these children had been taken from their comfortless homes and off the streets and alleys and placed in well warmed and convenient school houses where they received a good education and were placed in a position to be useful not only to themselves but to the public. Then Sir Lyon Playfair, who is a good authority on all these matters connected with education, says :—

> "They had intended to give them education, and they had enforced on these children also habits of cleanliness and order, but they had also improved their health and longevity.

That I think is rather an important point in connection with the prevailing idea expressed by the hon. member from New Westminister as to the danger attending the introduction of British emigrants. I have some figures here which I wish to bring before the House: they bear still further on this question, only instead of being applicable to one portion of Great Britain, they refer to the general statistics of the three Kingdoms. I am

about to quote from the *Contemporary Review* of December 1885, in an article written by Mr. Mulhall, an eminent statistician, entitled, "ten years of national growth." I will merely quote those details which refer specially to the welfare of the laboring classes. Take first the decrease in pauperism; in 1850, out of every thousand inhabitants forty-eight were paupers; in 1860 the number had diminished to thirty-four; there was a slight rise in the number in 1870, when there were forty-one to the thousand. In 1880 they were twenty-nine per thousand, and in 1885 twenty-seven per thousand of the population.

HON. MR. POWER—There is no National Policy there, either.

HON. MR. HAYTHORNE — This shows a steady diminution of the number of paupers in proportion to the population. Then again, with regard to the committals for crime, which is also an important detail in connection with this subject, (because if I show that the general obedience to the law throughout the whole country has been gradually improving and a smaller proportion of the inhabitants were committed for crimes, then I think I may perhaps hope to remove another scruple of my hon. friend from New Westminster), the writer says:—

"Between the years 1850 and 1859, the number of committals were one hundred and fifty one per one hundred thousand of inhabitants: between 186 0and 1869 they were ninety two per one hundred thousand between 1870 and 1879, they were sixty nine per one hundred thousand: between 1880 and 1885 they were fifty nine per one hundred thousand; between 1850 and 1880 they reduction has been from one hundred and fifty one per one hundred thousand to fifty per one hundred thousand."

I think that indicates most clearly that the general obedience to law is greater now than it was then and that there is far less reason to anticipate danger and difficulty to Canada from the influences of immigrants drawn from Great Britian now, than there was thirty years ago, so far as their obedience to the law goes. Here is another detail: I take now the number of children at school. It has been quite a common thing to hear hon. gentlemen in this House and elsewhere describe the population of England as uneducated or uncared for waifs, frequenting the streets and living in a miserable condition; but here are the facts as regards their education. I will take the three kingdoms together in order to save time. In 1885, there were 4,329,450 children at school. In 1875, there were 78 children per thousand inhabitants at school. In 1885, there were 120 children per thousand inhabitants at school. And further, I will say this, that under the present education arrangements, all children are sent to school. If children are seen idling about the streets without an occupation, or parents or guardians to take care of them, they are taken hold of by the police, sent to school and educated. If their parents can be found and are able to pay for their education they are compelled to do so: if they are unable to pay for the education of their children, then their education is paid for by the school boards, and so far from anything existing in the shape of niggardliness on the part of the British people in public education, I have here a statement that the expenditure for schools in 1885, was £4,600,000 sterling, or 21 shillings per scholar, besides those who paid for themselves. I think that is a pretty good indication that the people of the British Islands have been improving in the matter of education for the last fifteen years at all events, and that if there ever existed any ground for apprehension, on that score at all events, it does not exist now. Here is another item which, I think, ought to interest my hon. friends from Ottawa (Mr. Scott) and from Sarnia (Mr. Vidal). It has reference to the sobriety of the community. Not to trouble the House with the consumption of the different kinds of—what they are pleased to call—intoxicants, I will give them the consumption of their equivalents in alcohol. The consumption of alcohol per head in 1875 was 2.33 gallons. In 1881 it was 1.92 gallons. In 1885 it was 1.79 gallons. Those are rather striking facts. They show that without a Canada Temperance Act or any stringent prohibition in the way of the sale of liquor, there has been a steady diminution of its consumption per head since 1875, showing

that, at all events, whatever apprehensions we might formerly have had in that respect, we have less ground for them now. As regards these half-starved waifs and strays, for of course there are some, it is a very deplorable thing, but unfortunately if we have looked to London for our chief supply of immigrants we have gone to the most ineligible source we could go to. But here is the extent to which the comforts of the British people have improved within the last ten years. In 1875, the quantity of meat consumed per head was 95 pounds ; in 1885, it was 106 pounds. The consumption of sugar per head was 63 pounds in 1875 and in 1885 it was 74 pounds, greater I believe than the consumption per head of any nation in the world, greater than that of the people of the United States where there is so much general wealth. The consumption of tea is measured per ounce. In 1875, the consumption of tea per head was 72 ounces ; in 1885 it was 80 ounces. I have just one more detail to show the improving state of the English people ; it is with reference to the Savings Banks and mutual societies, and let me say this, in England it is not as it is in Canada. It is well known that the Savings Banks of this country have been largely made use of by other than the laboring classes. People, perhaps wanting confidence in some of the speculative establishments of the day, have felt that it was better to have a secure place for depositing money than to be held responsible for other people's debts. But in Britain it is different: the Savings Bank is there used for what it was intended—it is made use of mainly by the laboring classes and a class perhaps a grade above them. In 1875, the deposits amouted to £67,000,000 sterling, in 1885 to £94,000,000 sterling. The Mutual societies besides that had £20,000,000 in 1875, and in 1885, they had £62,000,000—£87,000,000 in the former period and £156,000,000 in the latter. It would be very strange indeed to argue that the facts which I have detailed here and which are very reliable, coming from the pen of one of the ablest statisticians of England—that the British emigrant of to-day is inferior in any respect to what he has been. Who made Canada? Of course we had a certain amount of French population which has not been reinforced by immigration to any considerable extent: on the contrary it has been rather depleted, probably, but the British settlements in Canada have been largely reinforced by immigrants, but no country can pretend to say that their population, with all the care that can be bestowed upon them, have been blameless in that respect. The records of the courts establish that and our own experience proves it. It is right that importance should be attached to the statements which have been made here, because it seems clear from the statistical returns that the principal source of supply for immigration now is England and not so much Scotland and Ireland. The English people, for their number, afford more emigrants to the United States and the various colonies than Ireland and Scotland. Therefore it is quite right and necessary that we should acquaint ourselves thoroughly with the character and condition of the people from whom we are likely to draw our supplies of population. I think the time bestowed upon the subject this evening has not been altogether wasted. It is a question which more properly belongs to the department of the government which is charged with emigration than it does to this House—it is all right and proper that this House should notice any deficiency in the duties of any of the departments here, but at the same time I think the hon. gentleman would act not unwisely if he should either amend or withdraw his resolution, because the different portions of it involve very different issues. I am altogether with him in the care it is necessary to take that we do not import into this country diseased children if we can possibly keep them away, and I suppose we can ; but, at the same time, if we are to deprive ourselves of the great benefit which Canada has derived from the immigration from Britain, I think we should injure, rather than benefit ourselves, by such precautions. The hon. gentleman's first resolution alludes to emigrant homes—that emigration from such sources should be discouraged. Discouraged is not so strong a term as is used in the next sec-

tion, but I doubt very much whether the term discouraged is applicable at all to emigrants from homes of the kind. That, I think we have had clear evidence this evening, is a thing rather to be encouraged than discouraged. I quite concur in what the hon. gentleman says as to the reformatory schools, but I can easily imagine that very hardy, sound healthy emigrant children might be obtained from well-managed country union workhouses. They are not like the workhouses of the old days, but well managed establishments. If any feasible means could be devised by which the Government could repatriate—I am not quite sure whether that is the correct term or not —the people who have left Canada, I think it would be a very desirable thing, but unfortunately the hon. gentleman in his resolution has not indicated any means by which this is to be accomplished. I should be rejoiced to see such a measure carried into effect, because I know in former times it was made a subject of congratulation by the people of the United States that each European adult emigrant that arrived in New York or on their shores was worth to them from $1,000 to $1,200. Being quite certain that the youths and young women who have emigrated from Canada, and particularly from my own province, are worth all that and more too, it would be the greatest possible pleasure to me to see them convinced that their own country is on the whole better to live in than the United States or any other country.

HON. MR. MCCALLUM—I may differ from the hon. gentleman opposite, but I desire to encourage immigration into this country in every possible way, believing it to be a policy in the best interests of Canada, if the expenditure involved is not unreasonable. I know there is an exodus from this conntry to a certain extent, but it has been going on for years, and what are we going to do about it? Are you going to put an export duty on them? We know that they go, and we know that they come. Hon. gentlemen opposite say it is the National Policy—it is the tariff, and the hon. gentleman who addressed the House last, said all we wanted was a revenue tariff, though he did not explain what a revenue tariff was. The late government had a revenue tariff, and they could not collect enough under it to meet the expenses of the country. We want the tariff of this country so regulated that it will encouarge the native industries of our own people. What is the condition of Canada to-day under this government as compared with its condition under the late government? We impressed upon the government of my hon. friends opposite, from day to day, that they should so regulate the tariff as to encourage native industries, but they declined to do so; they were wedded to the seventeen and a half per cent tariff, levied indiscriminately. We said if you do not encourage the industries of the country so as to give our workingmen employment, where is the inducement for them to remain in the country! A change of Government took place, the National Policy was adopted, and we see the result to-day. My hon. friend from New Westminster contends that there is an exodus from this country and undertakes to prove it by statistics from the United States. We know that those statistics were proved to be incor rect long ago.

HON. MR. MCINNES—They are not from the United States, but from United States consuls in Canada.

HON. MR. MCCALLUM—I know they are not correct. I know that they were taken at Sarnia and Windsor and they were taken principally by guess work and that all passengers who cross the river at Sarnia were classed as emigrants to the United States.

HON. MR. OGILVIE—I crossed there six times myself last summer.

HON. MR. MCCALLUM—Then you were set down as six emigrants. I do not desire at this late hour to make any extended remarks on the question. I wish my hon. friend had brought up the subject earlier in the session when it could have been more thoroughly discussed without inconvenience to the business of the House. When he begins to laud up the United States, it is done

to the same old tune, to run down the country of his birth.

HON. MR. POWER—Who ran the country down?

HON. MR. OGILVIE—The Grits.

HON. MR. McCALLUM—The people who oppose the Government of the day. While my hon. friends opposite were governing the country, they contended everything was lovely, when the people of this country were starving for want of work and for means to buy bread. They did not run down the country then, but the moment they were forced into opposition they began to represent the United States as a land flowing with milk and honey, and Canada as a country unfit for a poor man to settle in. Who is going to settle in this country if you tell the people of Europe that the Canadians are leaving it? I was very much pleased to hear the hon. gentleman from Prince Edward Island (Mr. Haythorne) tell the hon. gentleman from New Westminister that there is less pauperism, in England than formerly, and that they are much better emigrants for this country than they were in the past. As for the Scotch and the Irish, he held that they were always fit for this country, but even the English are getting better. My hon. friend from British Columbia (I did not hear his speech) must have raised some strong objection to English emigrants, when he brought out such a remark from the hon. gentleman from Prince Edward Island. There is a great cry raised about the immigrants who have landed in Toronto recently. It is said they are all paupers. I know there are some paupers, and I know that you cannot land a number of immigrants in any city and distribute them all over the country in a day. I can inform the hon. gentleman that I have got two of those immigrants myself to work for me, and I may say that the principal trouble in the country places is that we cannot get enough hands to do our work. We want immigrants all the time and the gentlemen who get up the cry of an exodus from the country are doing a great injury to the Dominion. I have always been in favor of encouraging immigration and of expending a reasonable sum for that purpose; we want people to settle in this country. We want a hundred men where we have only one now.

HON. MR. OGILVIE—And there is room for thousands.

HON. MR. McCALLUM—Yes, room for millions this side of Lake Superior to say nothing about Manitoba and the North-West.

HON. MR. POWER—Why do they not go there? Your policy is to bring them there?

HON. MR. McCALLUM—Why do they not go there—when we have you and others like you running down the country on every occasion. You never speak in favor of this country—it is always in favor of the United States. I know that twenty years ago men who used to work for me removed to the United States and some of them have since returned and I know if they had remained in the Dominion they would be better off than they are to-day. They were induced by United States emigration agents to remove there, and I know that in many of the counties of Ontario farmers were induced to go to the western states and settle there and many of them have returned to Canada, while others are too poor to come back. I have received letters from some that they will shortly be able to come back to Ontario and make their homes under the old flag, as they say they have been deceived by the press of the country and by the speeches of some hon. gentlemen into believing that the United States was a better country to settle in than it really is. I hope that if this question is to come up next Session it will be brought before us at an earlier period, so that we may be able to have that full and free discussion that the subject deserves.

HON. MR. OGILVIE—I was somewhat staggered at a great many statements of the hon. gentleman from British Columbia while listening to his speech, and I wondered if it were possible that a sane inhabitant of Canada, much less a Senator of the Dominion,

could make such statements about this country and the sufferings we endured from not having unrestricted reciprocity with the United States. Unrestricted reciprocity is simply another term for commercial union.

HON. MR. SCOTT—No, no.

HON. MR. OGILVIE—The hon. gentleman may say "no, no" as long as he likes, but the best men in both countries have acknowledged that it is.

HON. MR. POWER—No, no.

HON. MR. OGILVIE—I say it is acknowledged on both sides that the terms are synonymous. I heard a great many of the speeches made by the apostle of commercial union, in Western Ontario, and one in particular I remember very well was delivered a few weeks ago, in which he was particularly anxious to tell the farmers the high price they would get for their eggs, if unrestricted reciprocity were adopted. I do not know whether hon. members are aware of it or not, and I do not know that it is widely known to the public, but I can inform the House that eggs were imported from Omaha into Montreal and sold in our market at less than Canadian eggs were selling for at the time. That has happened within ten weeks and Mr. Wiman's hen story certainly falls to the ground. As to the statistics which my hon. friend got from the American consuls, he denies that they are American. If you get statistics from employes of the United States Government, I do not know very well what you can call them but American statistics.

HON. MR. MCINNES (B. C.)—I would inform the hon. gentleman that many of the agencies in Canada—in fact, I may say all, with the exception of the leading consular agencies, are filled by Canadians—some of them good Tories at that.

HON. MR. OGILVIE—That makes no difference in my argument. They are employes of the Government of the United States all the same, and I do not think that anything my hon. friend can say, will contradict it. These statistics were compiled a few years ago, and they were contradicted immediately afterwards, and I know in my own case that I have crossed six times at Sarnia in one summer, and that every time I was put down as an emigrant going to the United States and there was no proof afterwards that I ever got credit for coming back to Canada again. Then the hon. gentleman from New Westminster lauded my hon. friend from de Salaberry for the information he had given the House sometime ago about the exodus of the French Canadians. He referred to it as if all the French Canadians who left the Province for the United States, did so to remain there. Every person who lives in the Province of Quebec and reads the papers is aware that hundreds of families leave the Province of Quebec regularly every spring, and go down to the Eastern States, to work there three or four months, and return to Canada in the fall. They will not live in the United States. Yet, according to statistics presented to us by the hon. gentleman from British Columbia, all these persons have left Canada and have become citizens of the United States. The hon. gentleman from Manitoba asked a few minutes ago why did these people not go into Manitoba where we have so much land to settle upon? Manitoba is filling up very fast, and I am in quite as good a position to know the condition of affairs there as the hon. gentleman; and I can tell my hon. friend that a large number of farmers have come in from Dakota and Minnesota within the last year, and settled in Manitoba. That I know for a fact, and I know it from the agents of the firm of A. W. Ogilvie & Co., who collect their information all through Manitoba and the North-West. I therefore agree with the hon. gentleman from Monck, that it is a pity that the gentlemen who are opposed to the Government should so consistently and persistently decry the country. The difference between the public men of Canada and those in the United States is this—that while the hottest politicians in the world are to be found in the neighbouring country, and each party is willing to abuse the other, still, let anybody begin to abuse the United States, and they

join as one man against him. In this country hon. gentlemen opposite abuse not only the Government to which they are opposed, but they abuse the country; and if it is possible to upset the Government by decrying their country, they do not hesitate to do so.

HON. MR. POWER—Prove it!

HON. MR. OGILVIE — The best proof I can give you is the speech made by the ablest man of the Reform party.

HON. MR. PELLETIER—What did he say?

HON. MR. OGILVIE—He said that the policy of the present Government was ruining the country; that the people were leaving the country in thousands, and went on in that style in a manner that is calculated to seriously injure the country. Let us abuse each other if we like, but in all conscience let us be patriotic enough to make the most of our common country.

HON. MR. TRUDEL—As the remarks I made on a previous occasion have been referred to, it is necessary I should say how the statistics which I submitted to the House were procured. It is incorrect to suppose that those statistics were based on the annual exodus of the population of Canada. They were carefully prepared in the United States by residents, and they are taken from books and maps and reports published and signed by very responsible persons, men of high character, standing and ability. They are chiefly founded on reports of the missionaries and the records of the different French parishes there. Some hon. gentlemen did not hesitate to declare that those statements were untrue. I would not dare to oppose to their denials an affirmation of the same character, but I may say that I had occasion to go into most of those districts; I have had close relations with those people, and I do not hesitate to say that the statistics which I presented to the House are vouched for by responsible persons, and men of high character. For instance I mentioned the population of Biddeford in Maine. The French population of the City of Biddeford I think I said was 7,500. If you visit that city you will see that they have erected public institutions, such as churches, convents and schools worth at least $200,000. When you see those institutions and you are told that they were built by the working classes of the French people, you may imagine that they are a large portion of the population. If you take the fact that one of them, Mr. Daniel Cotem, has been for the last five or six years the member elected by the city to the legislature of the State of Maine, it can be seen at once that the voting power of the French Canadians there is important. The other manufacturing towns of the New England States also contain a population, a large proportion of which are French Canadians, and when we have reports made by people on the spot, men of good standing, as to the condition of those people, I do not think there is much risk in accepting them as true. It is on this authority that I stated there were between seven hundred thousand and eight hundred thousand French Canadians residing in the United States.

HON. MR. ABBOTT—I must concur in what has been said by an hon. gentleman as to the disadvantages of having so important a question as my hon. friend from New Westminster has placed before the House, brought up at this stage of the session. I think that even to exhaust it as far as I can do, which is probably not very far, it would occupy more time than I hope we shall be obliged to sit this evening, and therefore it is not my intention to take the hon. gentleman's statements and discuss them as they ought to be discussed, or criticise them as I think they deserve to be criticized. Substantially his motion does not cover a very wide field, and it is to his motion I shall principally address myself, and in that way I hope to shorten what I would otherwise desire to say on other subjects which I do not think strictly come up under the terms of that motion. My hon. friend gave notice of a motion which appeared to be chiefly on the subject of immigration. The first paragraph of it had reference to pauper children :—

"That in the opinion of this House, the importation of pauper children and adults from emigration homes and poor law unions should be discouraged,"

This looks on the face of it to be a motion entirely dealing with immigration, but my hon. friend has made it extend very much further. Now, with respect to this immigration, I think the hon. gentleman from British Columbia is indebted to my hon. friend from Ottawa for having endeavored to get him out of the position in which he has placed himself with regard to these children. But it is perfectly useless, in the face of what this House has heard, to say that he did not stigmatize, in the strongest language he was capable of, and I think hon. gentlemen will admit that it was pretty strong, the system of bringing to this country poor children, and establishing them here by means of those homes. It is useless to pretend that the hon. gentleman meant anything else, because there is no other importation of children into this country but those. Of course I do not deny that there might be children, two or twenty, for that matter, otherwise brought to Canada, but there is no systematic immigration of children into this country except by means of these homes; and the whole of his description of the children that come here, and of their parents, and of their education and training, applied precisely to the children brought out by these emigration homes.

HON. MR. MCINNES (B. C.)—No, it was the second part of my motion I had reference to—the importation of inmates of work houses and reformatory schools, the criminal class.

HON. MR. ABBOTT—What the hon. gentleman said applied directly to all pauper children—to the introduction of poor children into this country, and giving them an opportunity of bettering their condition and developing themselves into something better than awaits them in the streets of the great English towns. In some portions of his address, I was absolutely shocked by the sentiments expressed by the hon. gentleman before this House, and I was equally astonished by his blindness to the kind of principle which he was advocating. He read to us, not once, but twice, a statement from some paper or book showing that the workhouse authorities were sending children to this country who would have no chance of arriving at an honest maturity or obtaining an honest livelihood in the old country, and he read this twice over to impress on this House the monstrous character of such a policy as that—that it was the most horrible thing in the world to send these poor children to a country like this, where they might hope at some time or other to make a career for themselves, and enjoy those privileges and advantages which they could not obtain in England. The exact expression which the hon. gentleman twice read to us was, that children were to be sent out here who had "no chance of growing up in honesty or virtue in England," and he impressed upon us the abominable character of a proposition to allow into this country these poor children, in order that they might have a chance of growing up in honesty and virtue here, which they had not in England. I was shocked at the hon. gentleman for uttering such a sentiment, and I am sure he did not appreciate it himself, for I cannot believe him to have a heart so black as to refuse to a poor helpless child the chance of growing up in honesty and virtue, which is denied to it in its own country. Now, what are the facts about these children? We have heard a great deal about the importation of the children of paupers, and one would have supposed, listening to my hon. friend—and he was careful to give us no figures—that the whole country was being filled up by those paupers. I will give to my hon. friend and the House the actual facts with regard to these children—not taken from the *Pall Mall Gazette*, a paper which I am surprised at my hon. friend quoting on a question of this description; but, from the Department of Agriculture, whose business it is to look after such matters, which I am convinced is actually doing so, and which has furnished me with official statements, which I am confident are correct.

HON. MR. POWER—Will the hon.

gentleman allow me to express the hope that the statistics which the Department has furnished him are more correct than the statistics which it gave us with respect to the population of Manitoba a short time ago.

HON. MR. ABBOTT—Probably my hon. friend might better wait until he sees whether those statistics are correct or not. I do not think the hon. gentleman shows a desire to give a calm appreciation of this question, when he rises to interrupt a statistical statement, with a remark of that kind. I do not think the Department of Agriculture merits it, but if it does, I hope it will be exposed, as thoroughly as the hon. gentleman can do it at the proper time. I have in my hand a detailed statement of the children brought out by those homes the places whence they came, and what was done with them. There were during the past year 2298 children brought out to this country. They were brought here by twenty-five persons and societies, of whom eight have good homes in this country. These eight homes brought of this number 1401. 897 came from the other 17 persons and societies. These persons and societies are of all ranks, of all classes, and of all churches. I see amongst others, there are nobles, benevolent ladies, emigration societies formed in London and Liverpool, and religious bodies. It is obvious there are a great many benevolent people, associations and societies busying themselves in collecting these unfortunate children, giving them a training for a time, and then sending them out to these homes in order to be employed. All of those immigrants were young children, and those, principally female children, who are brought out by the Catholic associations, have been of great value, and have been distributed amongst the farmers, and other people who desire servants, by the various Catholic institutions in the country. Some of these institutions also sent out adults, many of them servants girls. Now with reference to these 2291 emigrants—I do not know that the people Dr. Ferguson spoke of, in terms which my hon. friend read just now, were among the children brought out to those homes—I have not seen Dr. Ferguson's evidence, and I do not know where my hon. friend got it, but perhaps had he continued the examination of Dr. Ferguson he would have found, as I am told, that he admitted that he had examined only five or six of those children. I do know that that is correct or not, as I have not seen the evidence. I am told that the evidence collected by that same committee contains the strongest possible statement with regard to the advantage of those institutions—the advantage to the country of getting those children, and with respect to their good behaviour. I do not think it is quite candid of my hon. friend to take from this mass of evidence these sentences which he quoted from Dr. Ferguson and read them alone. He did not say it indicated the character of the evidence taken before the Committee, but by reading that only he implied as much.

HON. MR MCINNES — Dr. Macdonald and Dr. Wilson gave the same evidence.

HON. MR. ABBOTT—I do not know whether doctors are particularly prejudiced against emigrants or not, or whether they are particularly anxious to find out diseases and their introduction to this country.

HON. MR. MCINNES—They were members of the committee.

HON. MR. ABBOTT—I say this, that if the hon. gentleman undertook to instruct this House, by the evidence taken before that committee, he was bound to give the House the whole of the evidence, and I am told there was infinitely more in favor of the importation of these children than against it. Dr. Ferguson admitted himself that he had seen but a very small number of those children, and could only speak of course of the diseases of body and mind of those whom he had seen. But we have testimony here to night as to those children. The hon. gentleman from Belleville and the hon. gentleman from Hamilton have both spoken with regard to these children, and what is being done by those

homes. They probably know quite as much as the three doctors whom my hon. friend quotes as witnesses before that committee, and they have told how beneficial these importations are. In the return I have before me, I find the confirmation of what these hon. gentlemen said, that the proportion of childern that go astray is extremely small. From 5 to 7 per cent is stated to be the average number of them that go wrong in any way. The number of those who have turned out total failures, and get into the police court is very small indeed, —not more than half-a-dozen cases a year out of the many thousands who have come to the country.

Hon. Mr. POWER—The hon. gentleman says there, only 2,000 have come to the country.

Hon. Mr. ABBOTT—2,298 last year, but they have been coming for many years. The statement made by the department to me, based upon what they say is a reliable inspection and report, shows that out of the many thousands that have come during past years, not more than half-a-dozen in the year find their way into the police court. That is an insignificant proportion and perhaps not a greater proportion than is to be found amongst a similar number of our own children in towns and cities, taken from the same rank. Now as to the reformatories, the total number brought to this country from the reformatories during the past year is twelve, and I am told they were equally free from objection. That was from the Teesewater Reformatory, Bristol, and it appears to me people are not liable to suffer much contamination from these twelve. I think we are greatly indebted to the hon. gentleman from Prince Edward Island for the very sensible and calm description he has given us of the condition of the people referred to in the motion of the hon. gentleman from New Westminster, and judging from the information thus given, and from the information I have got from my hon. friend opposite who knew all about these children, I am satisfied, whether they come from reformatories or industrial schools ; or from charitable schools, in which benevolent people are placing them in the hope of improving their position in life, that their coming to this country is beneficial to the Dominion ; that they are a useful class of immigrants, and as has been stated by several hon. gentlemen, the number of them is not equal to the demand, in any part of the country in which those homes are located.

Hon. Mr. McINNES—To what date does that statement refer ?

Hon. Mr. ABBOTT—I could not tell the hon. gentleman the exact date but this is the return for the past year.

Hon. Mr. SCOTT—The Immigration Department bring their returns down to 31st December.

Hon. Mr. ABBOTT—If my hon. friend would like to investigate the accuracy of the return, I shall have great pleasure in handing it to him. If he desires to check this statement I will give him the paper.

Hon. Mr. McINNES—No, I am not that skeptical.

Hon. Mr. ABBOTT—So much for the first paragraph of my hon. friend's motion. The second paragraph refers to the importation of inmates of workhouses and reformatory schools—that it should be absolutely prohibited. I have already referred to the second class mentioned in this paragraph of the motion ; and I do not intend to say anything more on that subject. My hon. friend from Prince Edward Island has thrown a great deal of light on the matter of workhouses. In point of fact, the Government have authority to prevent the importation into this country of immigrants of the classes which my hon. friend would prohibit ; not that every inmate of a workhouse should be prohibited, because there are some of that class of people likely to make valuable servants and settlers. But the only importation of immigrants from workhouses, is one which took place three or four years ago, which found its way to Toronto, and gave

a great deal of trouble and inconvenience there. As I learn from the report to me on that subject, steps were immediately taken to prevent such an occurrence again; correspondence took place between this country and the High Commissioner on that subject; remonstrances were sent from the authorities in London and from here, and the same thing has not since occurred. There has been no importation from workhouses since the importation of three or four years ago, which found its way to Toronto. There has been a great deal of discussion about the immigration of which the hon. gentleman from Ottawa has complained, and there has been a great deal of reprobation of it in the papers. Anything which the papers lay hold of, does not lose in the description of it, if they are disposed to find fault with it. In point of fact, these people were not all paupers, and not all unfit for employment in certain industries. They were people who came out at the fag end of the system of assisted emigration. They crowded into this country in the winter, knowing that the assistance to be given to immigrants was about to cease, and in order to get over while they could be helped, they started early. Four or five thousand people came out during the last winter by this means before that assistance ceased. A few of them found their way to Toronto, and a great deal more fuss was made over them and a great deal more said about them, than the facts deserved. In point of fact, instead of these people being still there, they are gone. The greater part were at once distributed, and are employed and absorbed throughout the country. The difficulty connected with the few others that were left in the Toronto shed, was settled at the end of last week by the Ontario Government granting them transport to points in Ontario where they could find work. Mr. Donaldson, the immigration agent at Toronto, reports that the newspaper articles about them are gross exaggerations made for sensational effect. That kind of immigration will not occur again. The hon. gentleman from New Westminster is quite right in believing that that kind of immigration is not beneficial to the country. It is not contended that it is. There has been for some time on the statute book a provisition enabling the Government, if it shall become necessary so to do, to take steps to absolutely prevent such immigration, but the evil has never reached any stage, or any point, to render such a step necessary, and it is obvious that until it is rendered necessary it should not be done. With all our vacant acres, we ought not to publish to the world that there are classes of immigrants that we would not receive. In fact it is to our interest to receive any man, poor or rich, who is willing to work in this country, and in doing that he will find he has not made any mistake in coming here. With respect to this exodus of which we have heard so much, there has been a great deal of discussion in the papers. I do not think there is a paper on one side of politics in the Dominion that has not insisted that our population is leaving us; and there has not been a paper on the other side that has not endeavored to refute those statements. I doubt if there are any entirely reliable figures, either on one side or the other. I fancy in a new country like this, people are frequently changing their habitations and moving their domiciles from one side to the other. Some of them come back, some stay on the other side, and it is characteristic of this country that people do not settle down in one place, and remain there, as they do in older countries of Europe. Some have gone west. Some have gone to the United States, some have come from the United States here, and some have gone from the United States into our North West country. But as to the figures quoted by the hon. gentleman from New Westminster, he must have made up his mind before hand, what kind of statement he would like to make to the House regarding the exodus. It could not be that the hon. gentleman desired to find out what the real amount of the exodus was, and how many people had finally left the country; because of course the hon. gentleman did not suppose that no man had ever crossed the line without intending to settle on the other side. But if one wishes to know whether the aspersion on this country which is implied in the hon. gentleman's statement is well founded—because it is

an aspersion on this country to say that the people are leaving it—whatever aspersion he desired to convey, involved in the movement of the population, would depend of course on the evidence as to the balance of departure and arrival; and the question would be, how many more people have gone away from the country, than have come back to it. If 100 had gone away and 100 had come back, that statement would not create any opinion adverse to the country. But if the hon. gentleman had known that 100 had gone away, and 100 had come back again; and had only stated that 100 had gone away, that would have been an unfounded aspersion on the country. Now I think my hon. friend must have desired to cast an aspersion on the country, from the method he adopted in getting his information about the exodus. What did he do? He wrote to employes of the United States government, he says, in some one hundred and twelve places, and told them he was going to make a speech in favor of Unrestricted Reciprocity or Commercial Union—I do not know which, and the hon. gentleman himself is not clear about that—and for the purpose of that speech he wanted to find out how many people had gone out of Canada. Did the hon. gentleman desire to know how many people had come back to Canada? Did he desire to know where the balance of immigration and emigration was when he wrote that? I am justified in saying that the hon. gentleman wished to get the means of making an aspersion on his own country, by the method he adopted to get at the exodus.

HON. MR. MCINNES—No.

HON. MR. ABBOTT—The hon. gentleman says no, but the facts are stronger a good deal. When the hon. gentleman asked how many lett the country, he did not ask how many came back, and no other conclusion can be come to than that he only wanted to know how many went away and did not want to know how many came back.

HON. MR. MCINNES—Where could I get the information?

HON. MR. ABBOTT—I do not know. If he had wanted it, he would have found out. I do not believe that this country is unfit for people who wish to prosper in it. I do not think people are deserting Canada because it is not a fit country to live in. I do not want to go to American statistics to find out how many of our people want to leave this country. If I wished to ascertain actual facts, I would make up my mind how to get at both sides of the question; and I would not tell an American agent that I wished to throw my country into unrestricted reciprocity, or commercial union, or annexation, and then ask him for answers in support of what I wanted to do.

HON. MR. MCINNES—The hon. gentleman speaks of annexation. He signed the annexation manifesto in 1849.

HON. MR. ABBOTT—I quite understand the weapons which the hon. gentleman uses when he wishes to carry a point, and that he is ready to support his course, not by argument, but by aspersions upon his country or upon his colleagues in the House, as the case may be. These are the methods he adopts to gain his point. I do not care a straw about what the hon. gentleman may say of what took place in 1849. That is too old a tale for this period of the life of our country. But if I desired to asperse my country, by proclaiming to the world in general, and having it trumpeted all over the United States and the British Islands, that this was not a fit country to come to—that the people were all leaving it; I would just do what my hon. friend has done—go to American agents and tell them I was going to exalt their country over my own, and ask them to furnish me a statement of the number of people that left my country to go to theirs, but to be careful not to state the number of people who came from the United States to our country. The hon. gentleman did not use that language at the end of his letter, that is the substance of the method adopted to find out what the exodus was. On that subject I do not desire to say one word more, except a cursory reply to the argument of my hon. friend from Ottawa, who gave his view of the reasons for this exodus. The

hon. gentleman says that the exodus, which he assumes to be a fact, is caused by the tariff: he says that people do not want to live in a country where capitalists are making themselves wealthy by the money they extract from the poor—by taxing all the rest. That is I think a fair description of what my hon. friend said.

HON. MR. SCOTT—I said robbing all the Peters to pay one Paul.

HON. MR. ABBOTT—These are amongst my hon. friend's reasons—that they did not wish to live in a country where a few capitalists were getting rich at the expense of the people. But where do they go to?

HON. MR. McMILLAN—To a country with a higher tariff.

HON. MR. ABBOTT—Did they go to a country where the tariff was lower? No, they went to a country where the tariff was twice as high as ours. Did they go to a country where capitalists are not getting rich? No, they went to a country where capitalists count their millions where we count our hundreds.

HON. MR. PELLETIER—And with that they live better.

HON. MR. ABBOTT—Of course they live better. It has been said by some capitalist that a man is as well off with a million dollars as if he was rich. Well, I have no doubt if my hon. friend had some of the hundreds of millions that these manufacturers and capitalists possess he would live better than he does with the excellent competency he possesses. What I want to call attention to is the extraordinary character of the reasons advanced by my hon. friend from Ottawa—that they left this country because the tariff is high and went to one where the tariff is twice as great—that they left this country because they would not live where capitalists were extracting money from the people by protective legislation, and they went to a country where capitalists count their millions where we count our hundreds. Those reasons do not seem to me to be good reasons. There must be some other reason for the exodus. And there is another mysterious thing about my hon. friend's reasons. The exodus is not confined to the time between 1879 and 1888. My hon friend from deSalaberry, who knows all about the exodus of French Canadians, will tell us that it has been going on for many years, and that it was as great, or greater, before 1879 as it has been since. There is nothing more to be regretted than the fact that we are losing part of our French Canadian population in the United States. I have always concurred in the feelings of our French Canadian friends as to the loss of that population. What was the cause of that loss? The fact that they had no work in the Province of Quebec, because up to 1879 the manufacturers of this country were crushed out by the Americans, who had larger capital, and better means of manufacturing; and with those advantages they slaughtered their surplus stock here, instead of slaughtering it in their own country, thus breaking down our prices. If a manufacturer in the United States had more stock than he could sell among his own customers, instead of forcing it off in his own country, he sent it to Canada and sold it for what he could get. What could manufacturers with small capital do against competition like that? The consequence was that there was no employment in Canada; and it is only after a certain lapse of time, that manufactures are increasing, so as to give employment to our own people. Every day we read of new manufacturing establishments and new industries being opened up in Canada, which will furnish employment to our population and ere long we shall see the exodus of the French Canadians altogether stopped, as I believe it is of late diminishing. It is by giving them work to do at home that we are to keep them in Canada, not by destroying our manufactures, and saying that we are nufit to be anything but hewers of wood and drawers of water, to grow pease and barley, and oats, for our friends south of the line. That is the policy which drove them out of the country. The policy which is now prevailing in Canada is what I hope will bring them back. I have said more than I intended to say,

but with reference to the motion which is the real subject of this discussion, I must say that I hope the House will not pass it. In the first place, I dissent altogether from the first paragraph of this motion, and from the second also in so far as it refers to reformatory schools ; and I hope this House will abstain from pronouncing an opinion in favor of this motion and against the endeavor which is being made to give a career to these unfortunate children, who they say can find no career at home. As respects the provisions for the exclusion of paupers and workhouse people, that is provided for already in the statute. If ever that evil should assume a magnitude that would render it necessary to interfere, it can be done at once by an Order in Council, and undoubtedly would be done. The attention of the Government has been called to it, and they took steps where it did occur some time ago, to put a stop to it, and they have successfully prevented it. For these reasons I hope the House will reject the motion.

HON. MR. POWER—I did not propose to say anything on this question ; and I should not now say anything had it not been for the excessive and unusual warmth of the hon. gentleman who has just sat down, and, I am obliged to add, the exceeding unfairness with which he has dealt with the hon. gentleman who moved this resolution.

HON. GENTLEMEN—No, no.

HON. MR. POWER—Is it not a recognized principle in Parliamentary practice that the word of a member is taken as a guarantee for the truth of what he says ? The hon. gentleman from New Westminster did not lay any stress on the children of those homes mentioned in the first paragraph of the resolution. His language, as I understand it, was just as applicable to children from the reformatories.

HON. MR. MCINNES—It was intended exclusively for the reformatories.

HON. MR. POWER—When the hon. gentleman from New Westminster was asked what he meant, he said that he referred to the children from the reformatories and not to the children from the homes, and nearly all the arguments we have heard this evening, from the gentlemen who have taken a different view from the mover of this resolution, have been directed against a man of straw, that they have set up and proceeded to knock down again.

HON. MR. ABBOTT—I would like to point out to my hon. friend that the words "Emigration Homes" are in the first paragraph of the resolution and the words "Reformatory Schools" in the second, and it was of those I spoke.

HON. MR. POWER—The speeches are just such as would have been made if the resolution and the speech of the hon. member from New Westminster had been directed against those homes and nothing else.

HON. MR. OGILVIE—So it was.

HON. MR. POWER—We are bound to take the statement of a member either of this House or of the other House, as to his intention.

HON. MR. OGILVIE—Against our ears. Our ears are better evidence of those statements.

HON. MR. POWER—It just depends upon the dimensions of the ears. I think the motion of the hon. gentleman is a perfectly natural one. When we come to look at it, we shall see that his interpretation of his resolution is the more natural and correct. For twenty years, according to the evidence of hon. gentlemen, these homes have been pouring children into Canada in considerable numbers. During all those years we did not find the papers of Toronto and Montreal raising an outcry against this immigration. The hon. gentleman from New Westminster has been for much of this time in Parliament, and up to now he has never said a word on this subject. But of late the character of this immigration has altered. I find the newspapers of Toronto protesting against it.

HON MR. McINNES—And the City Council of Toronto also.

HON. MR. POWER—I find them condemning this immigration which is now coming in. My hon. friend from Inkerman, (Mr Abbott,) disposed of the statements of the Toronto newspapers by saying that no doubt the newspapers exaggerated the matter and are not reliable. But does the hon. gentleman mean to say that papers of the standing of the Toronto *Mail* would deliberately falsify facts which are under the eyes of their readers every day ?

HON. MR. OGILVIE—I can say that they have often done that before.

HON. MR POWER—My hon. friend from Alma is always ready to say what suits the party with which he is connected. It is contrary to reason to suppose that a newspaper of any respectability–and I take it that the Toronto *Mail* is a fairly respectable newspaper—would undertake to falsify things which are taking place under the eyes of its readers.

HON. MR. ABBOTT—Say exaggerate.

HON. MR. POWER — They might exaggerate in a slight degree.

HON. MR. ABBOTT—That is what I said—I did not say falsify.

HON. MR. POWER—If these statements, coming from the hon. gentleman from New Westminster, are so dreadful why should they not be horrible when they come from the newspapers of Toronto and other places? He cannot be so very far astray when he finds respectable newspapers to endorse his statements. With respect to this first paragraph of my hon. friend's resolution, I should not feel disposed to vote for it myself on account of the words "Emigrant Homes ;" but hon. gentlemen have left out of sight the fact that the first paragraph includes "Poor Law Unions." Does the leader of this House undertake to say that the paupers sent out from Poor Law Unions are a desirable class of emigrants to bring into this country ?

HON. MR. DICKEY—He says that is not necessary.

HON. MR. ABBOTT—I say they do not come out except through these agencies.

HON. MR. POWER—There has been a great outcry made against my hon. friend's resolution and yet we find no hon. gentleman say that it is a desirable thing that we should have large numbers of emigrants coming from poor law unions. My hon. friend did not make his statements without authority. The hon. leader of the House has told us that he was surprised that the hon. gentleman should quote the *Pall Mall Gazette*. Is not the *Pall Mall Gazette* reliable when it simply states what has taken place at a meeting of poor law guardians ?

HON. MR. McINNES—The *Canadian Gazette* published the same thing.

HON. MR. POWER—The *Pall Mall Gazette* simply reported what took place at a meeting of poor law guardians of St. Pancras. They proposed to seen out their paupers to Canada. That is not desirable. The same thing appeared in the *Canadian Gazette*, which is recognized as an organ of the Canadian Government. The hon. gentleman from Inkerman seemed to think that something to be proud of, we are not to get children who have any chance of growing up in honesty and virtue—we are to get the children who begin in vice and ignorance, and not to get any of those who begin better. This country is run very largely, I regret to say, by the Government on philanthropic principles ; but I do not think that the hon. gentleman, in his cooler moments, would be prepared to stand by that statement. We have a country south of us which is not conducted so much on philanthropic principles. There they have 65,000,000 of people and there is room still for a good many more ; and although the pauper emigrants who arrive at New York from England and other places are a mere drop in the bucket—the proportion that they bear to the whole immigration is much less than

the proportion which it would bear here in Canada,—the authorities in New York would not allow those paupers to land. They send them back to the countries from which they came; and I must say I think they are right. What is the fact? After the hon. gentleman had delivered these philanthropic sentiments, when he came down to solid facts he told us that the Government were doing the very thing that he had condemned.

HON. MR. ABBOTT—I am sure that my hon. friend does not desire to misrepresent me. He is now referring to statements that I made on two entirely different subjects. On the first subject I repudiated the idea that we should refuse to receive children here, because they could not have a chance of leading a virtuous and honest life in England. I repudiated that idea as an abominable one. With regard to the other point which my hon. friend refers to, I referred, in speaking as my hon. friend says I did, to adult pauper immigration from workhouses of people presumably unfit to work—two different classes altogether.

HON. MR. POWER—I am not in the habit of reporting my hon. friend's speeches verbatim, but the hon. gentleman, if I am not mistaken, dealt with the case of certain workhouse children who had been sent to Toronto.

HON. MR. ABBOTT—Not workhouse children. It was this importation of adults who came under the assisted system—families.

HON. MR. POWER—First the hon. gentleman spoke of workhouse children that had been found unsatisfactory and stopped.

HON. MR. ABBOTT — Not workhouse children. The first case—the case of importations from workhouses in Ireland—consisted of poor families who were absolutely unable to earn a living, and not only unable but unwilling.

HON. MR. POWER — I must have misapprehended the hon. gentleman's statement. This first resolution refers to children and adults. I think children sent to reformatories for having committed crime are not the sort of children we ought to bring here. The hon. gentleman undertook to find a great deal of fault with the way in which the Senator from New Westminster went about getting his information. I do not see that there was any other way to get it. The hon. gentleman, I presume—I have not had any consultation with him with respect to the matter—wanted to get information as to the number—not of young men and young women, not the kind of people that might go to-day and come back in a little while—not gentlemen at large like the hon. gentleman from Alma Division who could cross the river six times in the course of a season—but the number of heads of families who went over with their families and settlers' effects—who went over as permanent emigrants.

HON. MR. McINNES—And made a declaration to that effect.

HON. MR. OGILVIE—And statements obtained from United States employes.

HON. MR. POWER—I presume that the hon. gentleman from the Alma Division has occasionally business transactions with business men in the United States, and I presume he finds those business men as reliable as a rule as business men in our country. I do not believe in this practice of throwing out insinuations as to the character of United States employes.

HON. MR. OGILVIE—They have been proved all wrong before.

HON. MR. POWER—My hon. friend says that they have been proved all wrong before. That is a question. I remember when in 1878 the hon. gentlemen opposite were "decrying this country" as they call it, and stating there was an exodus due to the bad government of the party with which I am connected—as we say it is now due to theirs—at that time it was a patriotic thing to call attention to the way the country was suffering from the mis-

government of the "wretched Liberals," who they said were "flies on the wheel," and could not stop the exodus. Now these gentlemen rise in the House and ask "How can we stop it?"

HON. MR. READ—The reason why we complained was that Parliament was assailed for work or bread.

HON. MR. POWER—The less the hon. gentleman says about the demonstration on Parliament Hill the better perhaps. Hon. gentlemen on the other side know how to work the political machine better than our people do. I have no doubt at all that my hon. friend from Rideau (Mr. Clemow) could tell a good deal about that Parliament Hill delegation if he would only do so. The same people are employed now and their wages are charged perhaps to Government House or to some work on Lake Huron. That is the way they do with those people now.

HON. MR. READ — They are not building Fort Frances locks.

HON MR. POWER—The aspersions on the country just amount to this—in 1877-8 I was here and I heard them—we had these same denunciations of the government, because there was an exodus; and when the government said they could not stop the exodus and bring about prosperity, they were told they were "flies-on-the-wheel." Now the gentlemen who came after us admit that they also are "flies-on-the-wheel." They cannot bring the people back, and cannot cause prosperity. The deficits are as large as they were then. The hon. member from Inkerman wished to know why my hon. friend did not ask for information as to how many came back. That would have been an idle task. In the first place, the United States consuls would not know how many came back; and in the next place the percentage of people who go to the United States and return—heads of families taking their furniture and their worldly goods—is very small indeed. There may have been some crossing from Dakota to Manitoba; and I presume that now that the railway monopoly in the North-West has been abolished there will be a good deal of that sort of thing; and if you only take off the other barriers, as you have removed the railway barriers, you will have many more of them coming back. I was rather amused and I was gratified also when the hon. gentleman spoke so warmly and feelingly about people not needing to go away from this country to become well off. The hon. gentleman, I am pleased to learn, is one of those who did not need to go. He happens to be one of the Pauls and most of the rest of us are the Peters. The hon. gentleman did not, however, always feel that way, because there is that manifesto of 1849, which I happen to have under my hand, to which he was a party. He was one of the Peters then: now he has become a Paul and does not feel like going abroad. The hon. gentleman is wiser than he pretends to be, because he pretended to have a great horror of unrestricted reciprocity with the United States; but what was the experience after we got reciprocity with the United States—the thing which some hon. gentlemen think our farmers dread so much? We did not have any more annexation sentiment in the country; and I am quite convinced that there will be less dissatisfaction in this country and more contentment and prosperity if we get such reciprocity again, or a little more. If we could get more it would be better. I did not quite concur with the hon. gentleman from Ottawa when he said that the tariff was the principal thing which sent people to the United States: because there is no doubt that people went to the United States before we had the present tariff; but I think the tariff is increasing the burdens of our people and making this a dearer country to live in, and that it does tend to send people away. It increases the number who go. The hon. gentleman from Inkerman was correct in part of his statement with respect to the tariff; but he went on to say, and he seemed to think that was a conclusive argument which could not be got over, that they went to a country where there was a higher tariff. But the hon. gentleman left out of sight the fact they were going from a popula-

tion of 5,000,000 to a population of 65,000,000. Here we have a trade of a certain kind amongst five millions of people. There there are 65,000,000. We say, give us unrestricted reciprocity with that 65,000,000, and then we shall have trade with a total of 70,000,000 people, and we shall be well off. It does not matter so much about the tariff against the rest of the world. I do not propose to go into the general question. I only say that I regret, as a Canadian, that the National Policy which we were told by the hon. gentleman from the Quinte Division in 1877 and 1878 would put an end to this exodus, has not done so, and that it has existed during the past few years, and is greater than it was in 1877-78.

HON. GENTLEMAN—No, no.

HON. MR. POWER—Hon. gentlemen may say "no," but the statistics of Ontario, for instance, show that the population of that province is not increasing at anything like its natural rate and that the value of property in Ontario does not increase, and the same thing is true of the Lower Provinces. Hon. gentlemen have made comparisons between the New England States and Canada. Those comparisons are most unfair. If you compare the State of Maine with any part of Canada, you should compare it with the country around River de Loup, or such a district as that. If you wish to compare Canada with the United States, compare the States west and south with the Province of Ontario. How does the country about Toronto compare with that about Detroit, Cleveland and Buffalo, for instance? How does the increase in Manitoba compare with the increase in the country south of it? I wish to say a few words more about the cry of disloyalty or running down the country. I have never heard any Liberal running down our country. I think it is a magnificent country, with wonderful resources, and if it only had good government and unrestricted reciprocity with the United States, it would be just as good a country as anybody could wish for. There was one remark made by the hon. gentleman from the Rideau Division which I think deserves a little attention. The hon. gentleman began his speech with a reference to the speech made by Mr. Blake many years ago, and he talked of the mischief which that speech had done, and then he spoke of the opinions of Opposition speakers in Parliament being cabled to other places to do mischief. Now, why did those speeches do harm? I am quite ready to admit that they did harm, but how did they do it? Because they were misrepresented by the Conservative speakers and the Conservative press of the day, just as the speech of the hon. gentleman from New Westminster has been misrepresented this evening, and those violent misrepresentations of those speeches were circulated in the United States and England, as being speeches that were really delivered. In that way they did mischief. I think the proper way is to deal with a man who happens to be opposed to one in politics, as I am quite sure my hon. friend would deal with him if it was a gentleman opposed to him in court, as though he were not altogether bad, and sometimes told the truth.

HON. MR. OGILVIE—Just begin that way.

HON. MR. POWER—I think I do. I am not in the habit of attributing evil motives to anybody. I really do not know that I shall apologize for taking up the time of the House. A number of gentlemen have got up to attack my hon. friend, and said that it was a great mistake to take up the time of the House at this stage of the session, but they did take it up all the same.

HON. MR. KAULBACH—My hon. friend from Halifax and the leader of the Opposition felt that they would have to apologize for the speech of the hon. gentleman from New Westminster. We all noticed the speech of that hon. gentleman, and we know he was condemning the immigration of pauper children to this country and he did not agree with the hon. gentleman from Hamilton and the member from Quinte, and was opposed to their views as regards the benefit which these pauper children would be

to the country when trained in those institutions, My hon. friend wants to apologize for the hon. member from New Westminster and says he did not refer to that class of emigrants. The hon. gentleman from Halifax has stated that if the hon. gentleman from New Westminster has referred to pauper children, who have been coming into this country during the last twenty years, he would not have waited until now to make this aspersion against the Government. But my hon. friend must know that it was only within the last few years that the policy of the Government has become obnoxious to that hon. gentleman, and therefore he is wrong in saying that the remarks of the hon. gentleman from New Westminster only refer to a class of the pauper children that have not been coming into the country for the last twenty years. The hon. gentleman from Ottawa talked about the great exodus to the United States and he says that it was particularly noticeable among the French classes. But I ask him what do these people do when they go to the United States? Do they take up farms? No, they go there to work in the factories and if we were to adopt the hon. gentleman's policy we would abolish the manufactories in this country and send our population to the United States, as was done before. It was only when the late Government could find nothing for the people to do when laborers could not find employment and there was none to be given, that there was an exodus from the country. The adoption of the National Policy has largely stopped that migration from this country and I say that at present there is no exodus of any account to the United States. Up to the time of the adoption of the National Policy the people were leaving the country from which I come—leaving it in hundreds. But since the trade of the country has been revived by the National Policy we find them coming back and the population of my town I may say, is double what it was at the time of the Mackenzie Government. I say there was a feeling in the country at that time that Canada would be prosperous under the same policy which was adopted by the United States. The people believe that by the same policy under which the people of the United States flourished they could find homes and employment in their own country. I contend that under the National Policy this country has gone on and prospered. I speak particularly of my own Province of which I know the most. There is no exodus from the Province of Nova Scotia to the United States such as my hon. friend has referred to. I would like to see the letters to which he referred. He might have shown us one of those papers and what he asked from the American consuls.

HON. MR. MCINNES—I read one of the letters at length.

HON. MR. KAULBACH—From what I can learn over 2000 people go over from Nova Scotia to the United States every year, but they come back, and I say they are a class of people whom, because of their great industry and indomitable perseverance, the United States are glad to have for a little while, but those same people are glad to come back to their own homes after having acquired a considerable profit from their industry. The hon. gentleman from Ottawa has said that the National Policy makes the rich richer at the expense of the poor. We know it is not the case, that all the men who have embarked their capital in the manufacturing enterprises have not succeeded. Some of them have become rich but many of them have lost their money, but whether successful or not they have furnished employment for our people. There is no want of work throughout the country and there is no distress. There are no classes of great monopolists in this country as in the United States. As regards the taxation of the country I ask is the burden of it upon the poor? I say no. I say everything the working classes have to wear or eat and live upon is almost free from taxation.

HON. MR POWER—Will my hon. friend tell me what article of dress is free?

HON. MR. KAULBACH—Everything

that the mechanic or the lumbering classes use can be got in this country without paying taxes on it at all. I can dress myself from head to foot respectably without paying one cent of taxation for what I wear.

HON. MR. OGILVIE—And get a good dinner also.

HON. MR. KAULBACH—Yes. We have taken the tax from the articles purchased by the poor man and put it on silks, satins and jewellery of the rich, and we have given the poor man a free breakfast table and everything that is necessary for his existence; therefore when the hon. gentleman talks of the National Policy being injurious to the country, I say it is not so. We adopted the National Policy in 1878, and the country approved of it. Twice since then they have emphatically endorsed that policy at the polls. The Reform party would like to get into power by trying to make the people believe that the country is going to ruin. I say that those preachers of stagnation and despair must seek other grounds in Canada for their dolorous croakings. Like their prototypes, croakers can only thrive and be happy in an unhealthy atmosphere and stagnant waters. Canada, blooming and blossoming like the rose, is no place for them. The glad music of our groves and the hum of prosperity are not congenial to such natures.

HON. MR. MCINNES—I cannot allow this discussion to close, after the gross misrepresentations that were made, more particularly by the gentleman who leads the House, without making a few remarks. From the splenitic and unscrupulous character of the remarks of the hon. gentleman, I could scarcely realize I was within these walls until I turned round and saw the Throne and his honor the Speaker in the chair. One would imagine that he was in a county or police court, listening to a third-rate pettifogger haranguing the court and abusing the opposing counsel, as I understand is their habit whenever they find they have a bad case and no arguments to sustain their client's contention.

HON. MR. MILLER—I rise to a question of order. The hon. member has characterized the leader of the House as a pettifogger.

HON. MR MCINNES—I said nothing of the sort. I said the remarks of the leader of the House were such as are generally used by pettifoggers in police courts—and so they were.

HON. MR. MILLER—The hon. gentleman said he thought he was at a police court and listening to a pettifogger. I submit it is out of order as it is taxing and discourteous speech.

HON. MR. MCINNES—If my comparison is considered unparliamentary I withdraw it, although I think it perfectly applicable. I ask the ex-Speaker of the House if he would have tolerated the language that the hon. gentleman made use of towards me with impunity, if he had been in the chair and his attention had been called to it? I will not permit the hon. gentleman to make use of such language solely for the gratification of his tame followers on the back benches. He said he did not believe I was possessed of such a black heart as to make use of the arguments which I did here to-day?

HON. MR. ABBOTT—No I did not say that.

HON. MR. MCINNES—I took the words down as they were uttered and I think other gentlemen here heard them, and I say they were utterly unjustifiable, and a gross perversion of the statements I made and the hon. gentleman himself cannot help being conscious of it. There was no necessity for the hon. gentleman to make such an unjust attack on me, but I suppose, finding that it was hopeless for himself and his obedient followers to attempt to rebut the mass of indisputable evidence which I produced, he thought that his only alternative lay in perverting what I had said and thereby evading the question at issue and the exposure of the crass stupidity of the Government in emigration matters,—yes their wicked policy that is driving tens

of thousands of our best citizens annually into emigrating to the United States. I certainly thought the leader of the House would set a better example to those occupying seats on the back benches and who are his faithful followers.

HON. MR. ABBOTT—I must be allowed to correct my hon. friend. I did not say what he imputes to me. What I said was that I was sure he did not himself appreciate the character of the argument he was using towards those children—that it was impossible to believe that he had a heart so black as to appreciate the argument he was using in excluding those children from the privileges and advantages which they might enjoy in this country.

HON. MR. MCINNES—Perhaps I am possessed of just as white and kindly a heart and would do just as much for helpless children as the hon. gentleman who desires to champion their cause. The first class mentioned in my motion —pauper children—in my judgment, should not be encouraged. Whatever inducements are held out to emigrants should be extended to worthy families and adults instead of helpless children. That is what I said about the children of homes, and the leader of the House knows it. But with respect to the second class of emigrants referred to in my motion, that is, the criminal class that are being shipped out here, particularly within the last year, I did characterize them in pretty strong language, and do not withdraw one single word that I said respecting that class of immigration. I believe it is the duty of the Government to at once stop all such immigration, and I cannot conceive how the leader of the Government could imagine for a moment that I referred to the first class mentioned in the resolution before the House. My remarks, bearing on the physical and and moral character of immigration, were entirely directed to and intended for the criminal classes shipped from the workhouses, reformatories and prisons. The hon. gentleman then proceeded to assail me from my aspersions on the country. Did I say a word this afternoon that could honestly be construed into decrying the country? I was simply presenting data and figures that this House and country were not in possession of before, and because they did not harmonize with the policy of the Government, I was immediately described as a pessimist decrying the country. I would like to know if the leader of the House is not decrying the country himself in a most pronounced manner. He and his Canadian Pacific Railway colleagues (directors) are now, after making their millions out of the Canadian Pacific Railway, or rather out of the poor taxpayers of this country, negotiating with the Brazillian Government to build extensive railways in that distant Empire.

HON. MR READ—It is a credit to them.

HON. MR. MCINNES—Indeed! It is a credit to them, after the taxpayers of this country have given, or rather have had forced from them by an unscrupulous government, millions of dollars to construct the Canadian Pacific Railroad, that they have not confidence in the future of their own country, but are going to spend these millions in opening up and developing the resources of a distant and foreign country! Actions speak louder than words. Again the hon. gentleman from Alma took upon himself to lecture me on my want of loyalty to the country to-night. I would refer the hon. gentleman to his own speech in the Hansard of 1886, on representation in the cabinet. The hon. gentleman delivers himself in this way:—

"I think there are few men in this House or in the Commons who are better acquainted with the resources of Manitoba and the North-West than myself. You will excuse me if I am egotistical in saying so. I have gone through the finest country out there that exists in the world. I say so though I am interested elsewhere in Texas, which is nothing like so good a cattle country as we have in the North-West."

Yet the hon. gentleman and his colleagues, Cochrane, Sir Charles Tupper, J. H. Hope and I believe a number of others members of the House of Commons, all good and tried Tories, are deeply interested in cattle ranches in Texas, United States. While boasting

of their deep concern for the welfare of their own country they have not confidence enough in it to invest their money here but when an opportunity offers they invest their surplus thousands or perhaps millions in the United States: I ask where is the consistency? It ill becomes these ranting, hypocritical patriots to accuse their oppenents of aspersing the Dominion when their own acts testify that they are about the only calumniators of our country. My hon. friend from Lunenburg tries to belittle the unrestricted reciprocity movement and says that if that were to take place all the industries of the country would be crushed. If the hon. gentleman will read British history he will find that the same outcry was raised when the political union of England and Scotland took place. The people of London, Liverpool and other great manufacturing centres contended they could not compete with the canny, industrious and practical Scotchman, and that it would prove disastrous to England—that the industrious, frugal Scotchman would start manufactures and under-sell them, and in that way the union would prove disastrous to the manufacturers, and the people of England generally. The Scotch, on the other hand, contended that their smaller industries would be destroyed by the older, larger and richer manufactories of England, but has such been the case? Liverpool, Manchester, Birmingham, Glasgow, Edinburgh, Paisley, and all the manufacturing and importing cities in England and Scotland received new vigor, new life and prosperity, such as they had never known before, and they both went progressing in a manner that far surpassed even the most sanguine expectations of those who advocated the union of the two countries.

HON. MR. KAULBACH — Under protection.

HON. MR. McINNES—I do not care whether you call it protection or not, but I say, owing to our geographical position on this continent, whatever will prove successful and beneficial to the United States, must necessarily prove beneficial to Canada. I believe that if we had free and unrestricted commerce with the United States, from the Gulf of Mexico to Cape Breton, and from California to Alaska, such an impetus would be given to trade in Canada, that the most bigoted partisan would be convinced of the folly of restriction. I believe that the value of property would run up 100 per cent. inside of one year, and I believe that hundreds of thousands of our fellow countrymen who have gone to the United States with their families would return, and the population would be nearly doubled within the next ten or fifteen years. It is all very well for the hon. gentleman to try to belittle this movement, but as I said some days ago it has taken hold of the people of this country, it is in the air. It is growing and deepening since it has been adopted by the Liberal,—the emancipating party in this country,—and every single by-election has been carried by largely increased majorities, notwithstanding all the foul means adopted by the Government.

HON. MR. READ—Was it so in Northumberland?

HON. MR. McKINDSEY—Or in Halton?

HON. MR. McINNES—It was not the announced policy of the Opposition when these elections took place in East Northumberland and Halton. The elections referred to by the two hon. gentlemen were held several weeks before unrestricted reciprocity was announced as the policy of the Opposition. The farmers of this country are beginning to realize the enormous advantages they will receive under unrestricted reciprocity with the United States. They have not forgotten the marvellous progress and prosperity that attended them during the time we had reciprocity in natural products, from 1854 to 1866.

HON. MR. McKINDSEY—We were glad to get rid of it.

HON. MR. McINNES—Who were glad to get rid of it?

HON. MR. McKINDSEY—The whole country.

HON. MR. McINNES—I think not; all the facts go to prove the contrary. The hon. gentleman from Hamilton, in his nice little Sunday school speech, gave us to understand that he was connected with one of those children's homes, and he told us a pathetic story about a boy that was brought to his office one day by a man with whom the boy was living and working He found that the boy's employer had not furnished him with with gloves and he told the gentleman to "Get out, you scoundrel, you are not worthy to have one of my poor home boys, and this boy shall not return to your services." I fail to see what connection this ill-treatment of children has to do with the question under consideration: I fail to see the relevancy of the hon. gentleman's remarks. My hon. friend from Belleville, Mr. Flint, also spoke in the same line. He went back twenty years to try and prove that waifs were a desirable class of immigrants. I am perfectly satisfied that the children brought out to this country, until two or three years ago, were a fairly good class. I have never raised my voice against them. It is to the recent importations that I have objected, and I think I have given satisfactory evidence here to-night, notwithstanding what has been said by the leader of the Government, to convince any mind open to conviction, that large numbers of the offspring of crime, and criminals themselves, have been shipped to Canada. As an evidence of what I am saying I will just refer hon. gentlemen to statistics showing the number of children attending schools in the different provinces. Is our population increasing? Hon. gentlemen say it is, and I quite agree with them. But if it is, I ask is our school population increasing? No, notwithstanding the great inducement held out for free education of children in Ontario, where, I believe, there is compulsory education, the school attendance has fallen off. In the eight years from 1878 to 1886 the decrease in Ontario of school attendance is 1,519. In Prince Edward Island, in the five years from 1881 to 1886, there has been an increase of only 688; in Nova Scotia, in nine years, there has been an increase of only 3,599; in New Brunswick, in five years, there has been a decrease of 2,836. Taking the decreases and increases, I find there has been actually a decrease altogether of sixty-five in the attendance at the public schools of those provinces during the last eight or nine years. That shows conclusively, to my mind, that the recent additions by immigration are vastly inferior to those of fifteen or twenty years ago.

HON. MR. KAULBACH—There is more employment for the people now.

HON. MR. McINNES—The number of schools in these provinces has increased very materially within the period I have named, and instead of the school population diminishing, it ought to show an increase of at least five per cent. or ten per cent. each year. I might also state, in reply to the hon. member from Belleville, who referred to the great success attending those institutions, that here in Canada twenty-five years ago, tramps were almost unknown—now the country is infested with them. They are not a natural product but a spurious foreign product.

HON. MR. BOTSFORD—He comes from the United States.

HON. MR. McINNES—No, he has been imported from Great Britain. Now the country is overrun with tramps.

HON. MR. BOTSFORD—What has that to do with the question?

HON. MR. McINNES—It is one of the evils of our lax and mistaken system of assisted emigration. It shows conclusively that there was scarcely any discrimination shown in selecting the class of immigrants brought out to this country. The principal aim and object of the emigration agents would seem to have been to send out as many persons as possible, irrespective of their suitability. I claim that it would be very much better to go into the wilds of Africa and bring out the savages from there than to import the ingrained criminals of the slums of London. You could make far better citizens of them in

a few years. The hon. gentleman from Hamilton, Mr. Sanford, undertook to rebut the statement made by Drs. Ferguson, Wilson, Macdonald and other medical men in the other House.

HON. MR. SANFORD—What I said was this, that during the period of which I spoke—thirteen years—we have had no traces of tbe diseases to which the hon. gentleman refers; and more, the same fact was asserted by the hon. gentleman from Belleville, Mr. Flint, who is absent this evening, concerning the Marchmont Home.

HON. MR. McINNES—That is precisely what the hon. gentleman stated some time ago when he was making his speech, but I have to inform the hon. gentleman that medical men know a little more about diseases probably than he does. If the hon. gentleman voluntereed his opinion about the value of dry goods or something of that nature, I would be inclined to attach a great deal of importance to hisopinion, but in a matter of this kind I want to inform him that the virus referred to by those doctors can be transmitted, is transmitted, and unfortunately the sins of the parents very often are visited on the third and fourth generations after them Disease may not manifest itself in early life, but with increasing years, in the afternoon of life, when the vital forces are weakening it invariably does.

HON. MR. KAULBACH—We have had twenty years experience and it has not manifested itself yet?

HON. MR. McINNES—We have had no twenty years experience of the class I refer to. Some hon. gentlemen may suppose that I am decrying, or trying to belittle the noble work done by Miss Rye, Miss Macpherson, Dr. Bernardo and other philanthropists. Far from it. They are good and noble people who have taken an interest in that class of unfortunate and helpless people, and I give them all the credit that is due them, but I do find fault with poor law guardians and others who are now sending out to Canada the vile and the vicious, those that they cannot convert into good useful citizens at home. I object to others shifting that responsibility from themselves and placing it on our shoulders. Our population is increasing, and any person who visits the cities of Canada must observe the number of poor, needy and helpless children who are largely, if not altogether supported by charity. There is no doubt the number is fast increasing, and if we look after our own poor we will have enough to do. We may perhaps be liberal enough to look after a small portion of the poor people from Great Britain who are sent over here, but this wholesale importation of an undesirable and unsuitable class we should protest against in no uncertain way. Notwithstanding all I have heard I am, if possible, more convinced than ever that the only way by which this evil can be overcome and by which we can retain our own population, is by adopting unrestricted reciprocity with the United States. Under that policy this country will float out on a new tide of prosperity and every avenue of trade and commerce will receive a new impulse. I believe that tens of thousands of our fellow countrymen will return from the United States and probably tens of thousands of Americans with millions of capital will avail themselves of our unequalled facilities for establishing manufactories in Canada. I believe that the population will nearly double if we have that condition of affairs, within the next ten or fifteen years. I believe that this country, with the good government that we have—(Hear, hear and laughter.) I mean the form of government, not the present Government that is continually violating every principle of responsible Government—but our system of government.

HON. MR. KAULBACH—How long is it since my hon. friend has become a convert?

HON. MR. McINNES—I believe we will march on and become one of the happiest, most prosperous and contented countries in the world. I will answer the question of my hon. friend from Lunenburg, as to when I became a convert. I will refer the hon. gentleman to

the Parliamentary Companion of 1879, at a time when the Rt. Hon. gentleman that he follows, and admires so much, had an overwhelming majority at his back, and there he will find my political complexion given as follows :—

"Thoroughly independent in politics, favors compulsory voting, equitable reciprocity with the United States, and the consolidation of the Dominion by the construction of the Canadian Pacific Railway."

I gave that as my political platform in 1879, and I acted on it, though the present leader of the Government was then in power and sustained by a large majority. I supported Sir John when he was right, I opposed him when he was wrong, and I intend to continue in the same course to the end of the chapter.

The motion was withdrawn.

THIRD READINGS.

Bill (10) "An Act to amend the 'Canada Temperance Act.'" (Mr. Vidal.)

Bill (6) "An Act in amendment of the Canada Temperance Act." (Mr. McMillan.

SECOND READINGS.

Bill (133) "An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service." (Mr. Abbott.)

Bill (120) "An Act further to amend 'The Supreme and Exchequer Courts Act' chapter 135 of the Revised Statutes of Canada." (Mr. Abbott.)

Bill (127), "An Act relating to the interest payable on deposits in the Post Office and Government Savings Banks.' —(Mr. Abbott.)

Bill (122) "An Act to amend Chapter thirty-four of the Revised Statutes, respecting the Inland Revenue."—(Mr. Abbott.)

Bill (41), "An Act respecting the application of certain laws therein mentioned to the Province of Manitoba."—(Mr. Abbott.)

Bill (118), "An Act to amend the Weights and Measures Act, as respects the contents of packages of salt."—(Mr. Abbott.)

Bill (119) "An Act to amend 'The Bank Act,' chapter 120 of the Revised Statutes of Canada." (Mr. Abbott).

Bill (121) "An Act to amend chapter 33 of the Revised Statutes of Canada, respecting the duties of Customs. (Mr. Abbott).

Bill (134) "An Act to make further provisions respecting the construction of the ship channel between Montreal and Quebec." (Mr. Abbott).

GAMBLING IN STOCKS AND MERCHANDISE BILL.

COMMONS AMENDMENTS CONCURRED IN.

HON. MR. ABBOTT moved concurrence in the amendments made by the House of Commons to Bill (G) "An Act respecting gaming in stocks and merchandise."

He said—There are two amendments to this Bill. One is, as the Bill throws the burden of proof upon the defence in certain cases, to allow the defendant to give his own evidence. The other is to make it clear that the Bill does not apply to the transaction where there is a bona fide sale and delivery of the goods. The amendments are fair and I ask the House to concur in them.

The motion was agreed to.

The Senate adjourned at 12.10 a.m.

THE SENATE

Ottawa, Thursday, May 17th, 1888.

THE SPEAKER took the chair at 3 o'clock p.m.

Prayers and routine proceedings.

THE PRINTING OF PARLIAMENT.

FIFTH REPORT OF THE JOINT COMMITTEE ADOPTED.

HON. MR. READ moved the adoption of the fifth Report of the Joint

Committee on the Printing of Parliament. He said—This is one of the ordinary reports recommending that certain documents be printed and that certain others be not printed.

The motion was agreed to.

ELECTIONS ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (89) "An Act to amend the Dominion Elections Act chapter eight of the Revised Statutes of Canada."

He said—This is a Bill to amend the Dominion Elections Act in several particulars. The greater portion of these particulars are mere details in the regulation of the proceedings at an election, but there are a couple of subjects of importance that are treated of *de novo*, at least they are material alterations of the former Act. The main alteration of importance is one which refers to the effect of corrupt practices during an election. Under the existing law a member is unseated for corrupt practices by a person who is held constructively to be his agent, although he may not have authorized the acts, and it may be so trifling as not to have had any effect on the elections. For instance, a candidate may have a majority of four or five hundred at an election. And it may be proved that a person, constructively his agent, gave a glass of beer to an elector; that has been held to be sufficient to avoid an election, to the great injury of the constituency, and most unjustly in all respects. The amendment proposed here has been substantially in force in Ontario for some time: that is to say, it is for the judge in deciding, to determine whether the corruption was of a material character, and if so the election is voided, but not otherwise. I suppose this is a matter which more directly affects the House of Commons, though we have jurisdiction over it. I have stated enough to show the principle involved: when the Bill comes before the Committee of the whole House, I will show in detail the alterations which have been proposed to be made to the Act.

HON. MR. POWER—The Bill appears, from a hasty perusal, to be on the whole an improvement on the existing law. One important feature of the Bill is that it provides that elections shall be held throughout Canada on the one day, except in the district of Algoma, Ontario, and the district of Cariboo, British Columbia. These districts are so situated that, I presume it would not be convenient to have the elections on the same day as in other constituencies. The last clause of the Bill, the one to which the hon. gentleman particularly directed attention, opens the door perhaps to a good deal of abuse. The first paragraph in that clause says that if no corrupt or illegal practice was committed at the election "by the candidate, or his agent appointed under the provisions of section 118 of the act"—now that agent is the one whose name is filed with the returning officer and through whom the legitimate election expenses are paid, but I think the House will see that other agents who are appointed by the candidate in writing for the purposes of the election, under this amendment might be guilty of corrupt practices and the election would not be set aside. It strikes me that the candidate ought to be held responsible for the acts of any of his agents appointed in writing. It is worth considering whether we shall go so far as to say that a candidate shall not be liable for the corrupt practices of an agent appointed in writing. It is quite right that the candidate should not be held responsible for the misconduct of an agent who is not appointed in writing.

HON. MR. ABBOTT—My hon. friend will perceive that is really the effect of the clause. The law expressly provides that when the court reports that a candidate has been guilty by his agent or agents of the offence of treating and undue influence—the agents are all put on the same footing.

HON. MR. POWER—I am speaking of the agents appointed to represent the candidate at the various polling places.

HON. MR. ABBOTT — Under the existing law the candidate is responsible of course for his own conduct and for the conduct of all his agents, and no matter how trifling may be the offence committed by anyone of those agents,the election is voided. Under this Act the agent, who is appointed under section 118 of the Act, is left in the same position as the candidate. If he commits any corrupt act the election is null, but in regard to the other agents, the offence must be material.

HON. MR. DEBOUCHERVILLE— Supposing the candidate's majority was ten, and it was proved that some agent, not the one appointed by the candidate under section 118 of the Act, had corrupted eleven voters, by this clause the election would not be void.

HON. MR. ABBOTT—Yes.

HON. MR. DEBOUCHERVILLE— Sub-section 3 of the 14th clause is as follows " Provided that a candidate shall not be liable, nor shall his election be avoided, for any corrupt practices under this section committed by his agent other than his agent appointed under the provisions of section 118 of the said Act." Supposing it is one of those other agents that corrupts enough electors to give a majority for the person for whom he works, according to this clause the election would not be voided.

HON. MR. KAULBACH—Yes.

HON. MR. DEBOUCHERVILLE— What would be the result in that case.

HON. MR. ABBOTT—Under section " C," to save the election the judge must report that the offences mentioned were of a " trivial, unimportant and limited character." Of course if there had been a number ol voters corrupted equal to a majority, it could not be said that the offences were of a trifling, unimportant or limited character.

HON. MR. TRUDEL—The Act will be amended so as to declare that though a candidate is not responsible personally, the election will be voided if the corrupt acts had the effect of changing the result of the election.

HON. MR. ABBOTT—It does that, and there are additional clauses imposing a penalty for corruption.

HON. MR. BELLEROSE—I believe the amendment is in the wrong direction. I have known cases which would be covered by this Bill. I have known gentlemen to subscribe large sums of money to election committees, and those committees have sent individuals through the country to corrupt the electors. If this amendment is adopted, the election, in a case like that, would not be voided. If we intend to punish every kind of corruption the law should remain as it is. I know that cases of hardship occur. It is unfortunate that a candidate is liable to have his election annulled because some of his friends may have been guilty of corrupt practices, but that is no worse than many other consequences which are entailed upon people by the law as it stands. I would prefer the Statute to this Bill.

HON. MR. WARK—This Bill ought to contain a provision to protect county court judges in the discharge of their duties. We had an extraordinary case in the county of Queens, New Brunswick. The election was held in the usual way. On declaration day, after all the votes were counted, the returning officer was advised to return a person who had the minority of votes, as elected by acclamation. The other person, who was really elected, called upon the County Court Judge to have a recount. A judge of the Supreme Court prohibited him from making a recount. The County Court Judge thought he was bound under the law to make a recount, and his case is now before the Supreme Court for contempt. He did not make the recount, but he intended to do it and would have proceeded to make it but the returning officer was informed that this interference of the Supreme Court Judge had taken place, and he would not give the County Court Judge the ballots. Now I think the County Court Judge ought to be protected in the discharge of his duties from any

interference. The Supreme Court Judge has no right to interfere with a Judge of the County Court. He might just as well prohibit him from proceeding with a case when the jury and lawyers and witnesses were present as interfere in a case of this kind. It was an extraordinary interference with a county court judge, and I would request the leader of the Government to consider whether this ought not to be remedied.

HON. MR. KAULBACH—This Bill is a great improvement on the existing law, because any election could be set aside for some trivial act, if it were contested under the law on the Statute Book. Some judges have gone so far as to say that a person who is asked to assist in an election is an agent for whose acts the candidate is responsible, though the assistance should be nothing more than giving his vote. Under this Bill a corrupt act, which would not have a material effect on the result of the election, will not void the election, and it is, to my mind, a very great improvement to the existing law.

HON. MR. ABBOTT—The important amendments made by this Bill are two. In the first place the agent appointed in writing is put in exactly the same position as the candidate. That, however, is not an alteration; in one sense the law remains as it stood, but his position becomes different from that of the agent. Because any corrupt act by that agent would avoid the election, whether it affects the result of the election or not. The acts of those constructive agents, if they have the effect of changing the result of the election, remain as before, acts for which an election can be avoided. The difference is that under the existing Act any corrupt act of any of those constructive agents would avoid the election under any circumstances. Now that was a manifest injustice to all concerned. By this Bill we provide that if the judge reports that the the corrupt acts of those constructive agents are of a trivial, unimportant and limited character, then the election is not set aside. If a candidate is elected by a majority of ten and it is found that ten or nine of the electors have been bribed by these agents, the election is set aside, because the corruption could not be said to be of a trifling or unimportant character, inasmuch as it is so important that it affects the result of the election. The law remains as it stood before, except that the judge can report that there was some corruption, but it was so unimportant that it did not affect the result of the election.

HON. MR. POWER—The point which I tried to make and which the hon. gentleman has not dealt with is this: my contention is that the acts of the representatives of a candidate, who, as a rule, have written authorizations to act for him at the polling places, should be deemed his acts and that he should be held responsible for their acts as well as for the acts of the other agent, who practically has nothing at all to do with the election. He is generally some respectable friend of the candidate who agrees to pay his bills for him. I think in removing the liability of the candidate for the acts of his recognized agents, we are taking a step in the wrong direction.

HON. MR. OGILVIE—In Montreal, there would be about 160 of those men that the hon. member speaks of. They are not agents. They have simply power of attorney to represent the candidate at the polling places. The hon. member from Halifax wishes to have these men treated as accredited agents, but they are not agents at all.

The motion was agreed to and the Bill was read the second time.

STEAMBOAT INSPECTION BILL

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (99) "An Act to amend the Steamboat Inspection Act, chapter 78 of the Revised Statutes."

He said—This is a Bill to make some trifling change, not altogether unimportant, with regard to a class of small vessels used in the minor waters and largely on some parts of the St. Lawrence. The minor waters of Canada are defined in

the first clause. Section 4 of the Act is amended by providing for the exemption from inspection of steam yachts of three tons and under, used exclusively for plasure or private use. The inspection of those yachts is done away with altogether, because, in point of fact, they do not have regular engines in the ordinary acceptance of the term.

HON. MR. SCOTT—I suppose they are private yachts not used for ferrying.

HON. MR. ABBOTT—Yachts used for pleasure, without remuneration of any kind. There is one alteration with reference to permits for engineers of yachts of twenty tons. This is new, but with these exceptions the alterations are practically nominal.

The motion was agreed to and the Bill was read the second time.

SECOND READING.

Bill (135) "An Act relating to certain advances made to the Quebec Harbor Commissioners." (Mr. Abbott.)

SUMMARY CONVICTIONS BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of bill (113) "An Act to amend chapter 178 of the Revised Statutes of Canada, 'The Summary Convictions Act.'"

He said:—This is a bill mainly to improve the details of the Summary Convictions Act. The first two sections make provision that a constable or police officer may serve a subpœna beyond, as well as within, the territorial division of the justice who issues it. Then there are certain powers given to the magistrates with regard to witnesses who neglect of refuse to appear at the time and place appointed by the summons, to ensure their appearance at the trial. A witness may be punished for not appearing. There are also some trifling changes made with regard to the tribunal for appeal. These are all the amendments to the Act, and their apparently large dimensions are mainly caused by the fact that clauses of the former Act have been struck out altogether, and have been re-enacted with these small alterations.

The motion was agreed, to and the Bill was read the second time.

LOAN OF MONEY FOR PUBLIC SERVICE BILL.

THIRD READING.

The order of the day being called—Committee of the Whole House on Bill (133) "An Act to authorize the raising by way of loan, of certain sums of money for public service."

HON. MR. ABBOTT said—This is, as no doubt hon. gentlemen are aware, a measure to give power to the Government to raise by way of loan some $25,000,000 for the public service. There is at present, as I understand, the available power of borrowing to the extent of $11,000,000, and a much larger sum than that is needed to fulfill existing obligations.

HON. MR. POWER—For what purpose?

HON. MR. ABBOTT—For instance there is a sum required of about $5,000,000 to meet capital expenditure and floating indebtedness; for subsidies to railways amounting to a fraction over $6,000,000; and this year's estimates require a further expenditure on capital account of about $5,000,000 making in all $16,000,000. Then there is a further sum of $3,000,000, which appears to be admitted to be due in small sums, the total amount of money required for the public service at the moment being between eighteen and nineteen millions of dollars. There is, as I said, a power of borrowing to the extent of $11,000,000, but of course that is insufficient. In pursuing this course, taking power to borrow a round sum, as the Government propose to do by this Bill, I understand that they are following the usual course of asking for a sum rather larger than needed for immediate wants, in order that there may be a pro-

vision in the treasury for any unexpected liability. No doubt there are several modes in which a further sum of money might be required. We have about $40-000,000 in our hands on deposit in the savings banks, of which we might be called upon to pay back to the depositors a considerable sum during the course of the coming year. If the banks, for instance, were to increase their interest which they pay on deposits, and induce people who now have money in the Government Savings Bank and the Post Office Savings Bank, to withdraw their money, we might be called upon to provide for that,and then there are other contingencies from time to time which might require a further supply of money. Of course the House will perfectly understand that this money can only be applied to purposes wh ch have been previously authorized by parliament, and therefore in granting the authority to borrow a sum not exceeding $25,000,000, the government do not propose, and do not desire, that parliament should understand that they intend to borrow $25,000,000 at the moment; but that they are going to place themselves in the same position as the late Finance Minister was when the present government took office, having power to borrow several millions more than was needed for the time being; to place them in fact in the same position that they are to-day—that is to-day, they have a margin of $11,000,000 which they are authorized to borrow. It is the custom, I am told, and I fancy correctly, to take this additional power, but the expenditure of it must be under the authority of parliament.

The House resolved itself into a committee on the bill.

In the committee.

HON. MR. SCOTT—There is no doubt, as the leader of the Government has stated, it is usual to vest in the Government of the day authority to borrow such sums of money as may be required under the authority of Acts of Parliament. The only point to which I desire to draw attention is the fact that it is a very good time, when a large sum is proposed to be borrowed, to take stock and look a little back and see what we are doing. I find that in the last ten years we have added to our indebtedness just $100,000,000, and perhaps a little more, when this amount is borrowed. In 1877, our indebtedness in round numbers was $133,000,000; on the 30th June, 1887, our net debt was $227,000,000—within a very few millions of being the round sum of $100,000,000 of an increase. Of course, the amount has been increased very considerably since the 30th June last, and therefore I am quite right in saying that it is now over one hundred millions, to which this twenty-five millions is to be added if the whole amount is taken up. I presume from the first clause of the Bill, there will be at least a diminution of interest when the Government avail themselves of the power conferred by this statute, as the amount borrowed now will probably be at a lower rate than the Government is paying, for I assume that there is a certain amount on which the Government is paying interest either in the great banks of this country or the agencies of Canada in London.

HON. MR. ABBOTT—I believe there is $5,000,000 bearing interest.

HON. MR. SCOTT—So to that extent, at all events, the authority that the Government has availed itself of will be an advantage, inasmuch as the rate of interest will be less under any loan obtained now in the condition of the money market, than on the present floating debt due to the banks. I do not propose to say anything further on that, because I am quite aware that anything I should say would not have the effect of putting on the brakes, only I think the time has come when the public debt of this country is becoming a very serious matter indeed. The country immediately south of us is paying off its indebtedness. We are running ours up very considerably, year by year, until it has now got to this amount and will certainly be over $250,-000,000 on the 30th June next when the books are balanced. It is a very large sum for a population of 5,000,000. There is just one single circumstance that saves us—a circumstance that we certain-

ly cannot claim any credit for, and that is the fact that within the last twelve years money has year by year been cheaper. I know that politicans who favor the Government assume that this improved credit, and the facilities for borrowing are due to the superior management of the Government of this country; but anybody who knows anything about the money markets of the world is quite aware that all other countries that are reasonably well governed stand just in the same position that Canada does. The facility for borrowing money has increased, the rate of interest has gradually been lowered, and there is no doubt it is materially benefiting us in making the large expenditures we have incurred in the last ten or twelve years. Had the rate of interest continued as it was twelve or fourteen years ago, of course we would be quite unequal to the strain that this increased borrowing has caused. As it is, all I can say is that it is fortunate for the tax payers of this country that the value of money has diminished, and will probably in the future diminish still further. The Government can to-day borrow considerably under four per cent.—I forget exactly the last quotation, but it is three per cent and a fraction; so that it is exceedingly fortunate for us that while we are running in debt in this way, the money of the world is becoming abundant and the value of it is rapidly going down.

Hon. Mr. ALEXANDER—I am very glad that the hon. gentleman from Ottawa is at last seized with alarm at the dimensions of the public debt of the Dominion. I think the House will remember that I often appealed to the hon. gentleman from Ottawa session after session to come to my assistance and to check the action of the Government in swelling the proportions of the public debt. I do not rise now to oppose this Bill, because the people of the country sustain the Government of Sir John A. Macdonald in everything they do, and why should I raise my voice if the majority of both Houses of Parliament say that Sir John is wise in all his policies—is wise in incurring all the debt he has incurred in promoting railways? It would ill-become me, under such circumstances, to raise my voice as a Senator of the Dominion against the express will of the large majority of the Dominion. I have tried to awake my hon. friend from Ottawa before now to raise his voice, session after session, but I got no assistance from him, though he now really views with alarm the proportions of our debt.

Hon. Mr. KAULBACH—The hon. gentleman must see that if the debt had increased within the last ten years in the same proportion that it did during the five years that my hon. friend was in power, it would be to-day much larger than it is, and in his time there was very little to show for the increased debt, while we have made large improvements in the public interest. My hon. friend cannot point to any of those public improvements which he can say are not in the public interests.

Hon. Mr. POWER—It is all very well for hon. gentleman to talk about large assets, but I do not know where they are. The hon. gentleman from Lunenburg has talked of the large assets we now have.

Hon. Mr. KAULBACH—The Intercolonial Railway is ours.

Hon. Mr. POWER—The Intercolonial Railway was complete when the late Government went out of office. It is true the present Government have spent $1,500,000 on the St. Charles Branch of the Intercolonial Railway, which is of no use. The object of it was to connect, for freight purposes, the Intercolonial Railway with the North Shore Railway. The Government have spent a million and a half of dollars for that purpose, and I understand they will be obliged to spend half a million more, and they have not utilized the road for making the connection with the North Shore Railway,—the purpose for which it was constructed. Does my hon. friend think that that is a valuable asset, one on which the Government ought to be congratulated? I think it is well to call the attention of the Government to the rate at which we have been going. Hon. gentlemen who have come into the

House during the last few years, amongst them the leader of the Gov rnment, seem to be of the opinion that this House is not the place to discuss financial questions.

HON. MR. ABBOTT—No, no.

HON. MR. POWER—Hon. members who were in the House when the hon. gentleman from Ottawa led the Government here would form a very different idea; because I think nearly half the time of the Senate in those days was taken up with the discussion of financial questions. Amongst those who signalized themselves in the discussions at that time, was an hon. gentleman who is still a member of this House, but who unfortunately is prevented by the condition of his health from coming here as much as we might wish—the hon. gentleman from the Saugeen Division. That hon. gentleman ten years ago called attention to the financial condition of the country on more than one occasion during the session. I am not going to quote him at any length but I shall quote an extract from one of several speeches, which bears upon the question referred to by the hon. gentleman from Lunenburg, the assets which we own. Closing the debate to which his own motion had given rise, the hon. gentleman from Saugeen, replying to Mr. Brown, at that time a member of this House, said:—(See Senate Debates, March 29th, 1873, page 410.)

"The hon. gentleman speaking of the public debt said that I had overstated the amount of it. I said the amount of our debt is $174,000,000, whereas the hon. gentleman said I ought to have spoken of the net debt which he called only $133,000,000. Now, hon. gentlemen, when we speak of our debt, I think it should be understood that we speak of what we owe. The country owes $174,000,000. We have those assets which it is true are nominally $40,009 000, but what are these assets? Upwards of $22,000,000 of them bear no interest. The interest that this country has annually to pay is $7,132,000, and the interest we receive upon all assets is only $648,680. I think hon. gentlemen will agree with me that when we speak of our debt we should speak of what we really owe and not of what some hon. gentlemen may assume it may be diminished to, by assets, the value of which is not easily ascertained."

I think that substantially the hon. gentleman from Saugeen was right in his view of the debt, and if his view then, which was endorsed by gentlemen of the Conservative faith, was the correct one; after this loan is raised, our debt will amount to something over $300,000,000. Ten years ago, the gross debt was $174,000,000, and at that time the hon. gentleman who made this speech, and who had some reputation as a financier, and all the hon. gentlemen who sat on the Conservative side of the House thought that it was a terrible thing, a matter of grave concern that a country with so small a population as Canada, should owe $174,000,000. To-day, the country with a population hardly any larger, owes over $300,000,000; and those gentlemen are perfectly happy, and cheerful and easy about it. I remember that the hon. gentleman from Saugeen expressed himself as being appalled by the amount of our debt and expenditure. Now, our debt is increased by $130,000,000 or thereabout, and the annual expenditure has been increased by some $12,000,000; and still the hon. gentlemen who were appalled and horrified at the prospect before the country ten years ago are perfectly cheerful, and easy, and comfortable to-day. I do not propose to say any more than to remark that it is another of those many cases where the ownership of the ox that is gored makes a great difference.

HON. MR. SCOTT—I want to correct the hon. gentleman from Lunenburg as to his figures. He claims that in the dreadful five years, that are so often quoted as being so appalling to the country, when the black cloud of Gritism was abroad, the debt was increasing much more rapidly than now. I find that the net increase of debt for the five years from June 30th, 1874, to June 30th, 1879, was less than $7,000,000.

HON. MR. KAULBACH—Did the hon. gentleman include what they made themselves liable for—the debt which the Government of my hon. friend had contracted before they went out of power and which the incoming Government had to meet?

HON. MR. SCOTT—They had the cost of the Pacific Railway; the portion between Thunder Bay and Winnipeg was begun by us and completed by our successors, and there was the Fort Frances Lock which was $80,000. Sir Charles Tupper, who succeeded Mr. Mackenzie in that particular department, praised very highly the care and economy he had exercised in the construction of the work, and I think the hon. gentleman will remember the principal payments for that work were after the Mackenzie Government had left office. They were accused at the time of not pushing on the work rapidly enough; they were told that they were trifling with the subject, that the Government were not using despatch in the construction of the railway. Of course the construction of the road was necessary and the country is having the benefit of it to-day. I am merely calling attention to the circumstance that my hon. friend is quoting, without looking at the figures.

HON. MR. POIRIER—I was a little perplexed by the assertion made by the hon. member from Ottawa, and I would like to get a little more information on the matter. The hon. gentleman said that the fact that we can now borrow money at four per cent, and at a lower rate even, is no indication of the stability of the Government or of the good administration of public affairs in this country, because the rate of interest has fallen in the markets of the world.

HON. MR. SCOTT—I did not use the term.

HON. MR. POIRIER—That is the impression the hon. gentleman conveyed to me. I would like to ask him if the rates of interest have fallen for every country? Was the rate of interest for those nations that are reputed stable not as low twelve years ago, when the hon. gentleman himself and his friends were in power, as it is now? Could not France and England, for example borrow for money at that period at as low a rate of interest as they can now? I ask him if even Australia could not? How is it then that at that time, and for years before, we had to pay as high as five per cent or thereabouts, and now we can practically borrow for three and a half and perhaps a little less? The markets have stood unchanged for other nations.

HON. MR. SCOTT—No, no. In the United States the rate of interest has fallen certainly two per cent and in the Australian colonies it has fallen since 1870 and 1879.

HON. MR. POIRIER—Just a trifle. It has fallen in Canada in a greater proportion than in any other British colony. I should infer from this fact that our country is governed in such a way as to inspire confidence in it with the money lenders, and this is certainly direct proof. Now, it must be admitted that in a young country like ours, where everything remains to be developed—where we have valuable sources of revenue lying dormant and unproductive, large investments of money may be very profitably made. I believe it is a great proof of the good management of the affairs of our country that we can get almost double the amount of money to-day that we could twenty years ago for the same interest. Now, I do not understand that by this Bill the Government binds itself to borrow the $25,000,000. I believe it has already been empowered to borrow as much as $10,000,000, which it has made no use of. This will increase the power to $35,000,000. It is only giving the Government power to borrow that amount of money in case it should be required; therefore I do not consider this is actually an increase of indebtedness. It is simply power given to the Government, in case of an emergency, to borrow that money, and considering the way such power has been made use of before, I do not see any reason why we should not pass this bill with the most absolute confidence.

HON. MR. ABBOTT—I shall be very glad to see the Bill carried, but I should like to say a word or two with reference to what has fallen from my hon. friend. I dare say there are instances still more striking of the difference of opinion be-

tween gentlemen on one side of the House and the other when the side on which they happen to sit has been reversed; and I should like to find my hon. friend's eloquence and ability shown in proving, as I have no doubt I could prove to-day, that we have incurred no debt—unless we might include that in connection with the unfortunate outbreak in the North West—for which we have not got ample value. I am sure my hon. friends, if on this side of the House, would be able to show that, as I ought to be able to show, and could show, but I am unfortunately not so experienced in financial matters as to go into that question without preparation. But there are certain points in relation to the question which I shall remark upon. My hon. friend says that the public debt has increased to the extent of about $100,000,000 during the last ten years. But he must remember this: we are practically a new country; we have recently acquired an enormous tract of territory, which it is of vital importance to this country that we should open up and endeavor to have settled. For the purpose of opening up that section, and other portions of our country, it is necessary to obtain facilities for communication throughout the entire Dominion, and we are precisely now in the position that the United States was 100 years ago, or, at all events, 50 or 60 years ago, when enormous sums were spent, principally by the individual States, in opening up the country, and providing accommodation for transport of freight and passengers, and in that way encouraging the settlement of their territories, which we are encouraging by the same process now. And we at this moment are suffering from the necessity for doing that by incurring a considerable debt, no doubt. But what are we to do? Are we to leave the fertile North West unapproachable by immigrants, and let it remain a wilderness as it has been since the world began, until it was taken up a short time ago when the great enterprise, known as the Canadian Pacific Railway, which caused the greater part of this very expenditure, was undertaken? My hon. friend complains of the increase in the public debt for the last ten years; but he must not forget that for the greater part of this expenditure the whole country is responsible and the whole Parliament is responsible. It was incurred with their express consent. The whole country and Parliament desired the construction of this great national thoroughfare, although they may have had a difference of opinion as to the mode in which it should be constructed, and in which the expense of construction should be provided for. It was an enterprise which everybody agreed was necessary, and it was carried through, and if it does not meet with the approbation of the entire country, when feelings begin to cool and political sympathies and hostilities have settled down, it will meet with the approbation of the vast majority of the whole Dominion. That is the principal item of the increased expenditure of which the hon. gentleman complains. In addition to that, there has been an enormous amount of railway construction within the last ten years, nearly the whole of which has been necessarily more or less aided by the government, and as I have just said, I believe that there would be no difficulty if one were to go into details of it, to show, that except in respect of this unfortunate expenditure in connection with the out break in the North-West for which we have nothing material to show, beyond the establishment of tranquility, and of confidence in the power of the Dominion to maintain order within its borders; this increase of the public debt is represented by substantial benefits conferred on the country generally. As to the suggestion of putting on the breaks my hon. friend will have perceived, no doubt, that the system of granting subsidies to railways, which has been one of the largest causes of our expenditure during the past two years, has been narrowed down this session. The estimates which have now been distributed will show hon. gentlemen that there has been an almost complete cessation of grants for this purpose during the present year, so that the Government is already acting on the very sensible suggestion of my hon. friend, that when the country has been brought into such a state of improvement that inter-communication has become so far facilitated,

as to justify the belief that immigrants can be distributed to all portions of the Dominion with rapidity and convenience, and may have free intercourse with each other, the brakes are put on, and the expenditure which was previously necessary is checked if not altogether discontinued. I had almost omitted to notice the statement of the hon. gentleman from Halifax with regard to the St. Charles branch. The Riviere du Loup road was acquired with the approbation of Parliament, for the purpose of giving a terminus to the Intercolonial Railway, which it had not before. It could not be said that the Intercolonial Railway had any terminus when it stopped at Riviere du Loup, and it was considered desirable that it should have a direct connection, not merely with one railway, but with all the systems of railway in the Dominion; and with all the systems of communication by water or by land which the country possesses; and for that purpose it was bought, and for the same purpose it was necessary to give it connection with the navigable water at Point Levis, and the possibility of connection with other railways besides the Grand Trunk Railway. It was not contemplated that the connection which was expected to be made with the North Shore, could be established immediately by means of a bridge, but by steamers or boats across the river. It was then expected that our friends in Quebec would exert themselves with some degree of energy in the line of getting a bridge across the St. Lawrence, and I have no doubt that sooner or later there will be a bridge there, which will connect the Intercolonial Railway with our two great systems of railway, and with other railways into the interior which are being constructed from Quebec upwards and even below Quebec. It was therefore necessary to acquire a better terminus for the great system known as the Intercolonial Railway, at some point where it could connect with other railways, and where the advantages which it offers to the immense tract of country which it traverses, could be availed of generally. It was for that reason the St. Charles Branch was acquired, and although it was expensive it was necessarily so, because it passed through a populous town, and it is not easy to construct for a small sum of money a railway through a thickly populated town. With reference to the credit of the country, I think my hon. friend on my right was entirely justified in the statement he made, that while, no doubt, the decrease in the value of money, and in the rate of interest, had some considerable effect upon the rates at which this country has been enabled to borrow; its own credit, and the confidence which the financial world feels in its administration, had also much to do with the reduced rate of interest at which Canada can now secure a loan. Ten years ago we were obliged to pay, probably one and a half to one and three quarters per cent. more in England for the money we needed than we pay now, and we were then paying much more than the Australian colonies had to pay for the money they had to borrow. Our credit was not so good then as that of the Australian colonies, and we had to pay much more than the nominal rate of interest, at which the countries with the best credit could borrow. At the present time what is our position? We expect to get this money, and I have no doubt we shall, at about three and a quarter per cent. England herself will not be able to reduce her loans to less than two and three-quarters per cent, which will in effect place us only one-half per cent lower than England, while ten years ago we were three times or more than three times that much, below the credit of England in borrowing money. And so with the Australian colonies: we are in a position to-day to borrow money much cheaper than the Australian colonies can borrow in the same market. These are distinctions which do not depend on the falling rate of interest. These are facts which have their origin in the confidence which the world feels in the resources of this country, and in the manner in which its affairs are administered. I venture to claim that much for the Government, and I am only sorry that it is not better represented on an occasion like this, when its financial credit is under discussion.

On the second clause,

HON. MR. POWER—The hon. gentleman has not, as I conceive, put the matter fairly before the House. The object of building the St. Charles Branch was to give connection with the North Shore Railway, to make the Intercolonial Railway independent of the Grand Trunk Railway and to give it connection with other railways. It was understood at that time, when the matter was discussed in this House, that the Norlh Shore Railway would be extended to a convenient point on the shore of the St. Lawrence on the Quebec side, and that the cars would be ferried across by large steamers. That has not been done; and for freight purposes we are just in the same position now as before the St. Charles branch was built. For passenger purposes we are also practically in the same position. In former days passengers crossed over and took the train at Point Levis; now they take it a mile below that. We take the train at Levis itself, and we gain nothing in that way. If what the hon. gentleman speaks of happens, and the bridge is built at Cape Rouge, the St. Charles Branch will be of still less value, because the connection with Cape Rouge will not be made by Levis, so that for all practical purposes the expenditure on the St. Charles branch has been, up to the present date, of no value. If the Government will take steps to have the North Shore Railway extended to the water side at Quebec opposite Levis, and see that a proper ferry steamer is put on to carry freight cars, then the branch will be of some value.

HON. MR. ABBOTT—The hon. gentleman finds fault with the Government for so largely increasing the public debt and spending so much money; and now he is finding fault with the Government for not incurring more debt and not spending more money. It is hard to satisfy my hon. friend. This St. Charles Branch was acquired for the purpose of giving the Intercolonial Railway a terminus where it could connect with other railways there. The North Shore Road comes down to the water at Quebec at a point where it can be easily reached from the river. Its tracks come out on the wharves, from which shipments can be made to and from the shipping lying at those wharves, and which steamers from the Intercolonial Railway at Point Levis can reach easily. If a bridge is built at Cape Rouge it will be necessary to make connection there, but these things cannot all be done at once. The Government is loth to take up the project of building steamers, or buying steamers, or running ferries. The trade of the country will naturally produce the improvement which my hon. friend desires, and the Government no doubt, will not be wanting in any exertion which it may feel it is prudent to make, to assist in bringing about that result.

HON. MR. MONTGOMERY, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

SUPREME AND EXCHEQUER COURTS BILL.

THIRD READING.

The House resolved itself into a Committee of the whole on Bill (120) "An Act further to amend the Supreme and Exchequer Courts Act, chapter 135, of the Revised Statutes of Canada."

In the Committee.

HON. MR. ABBOTT—This Bill is partly to remedy some verbal defects in the law as it stands, which had caused some ambiguity in construction, as to the number of judges who are required to be present when judgment is rendered by the Supreme Court; and also to give British Columbia and the North West Territories an appeal to the Supreme Court which at present they do not possess. I propose to move at the proper time that the registrar shall have the control, under the supervision of the Minister of Justice, of the Library of the Court.

On section three.

HON. MR. POWER—Would the hon. Minister be kind enough to explain

why he proposes to give an appeal from the North-West Court, although the matter may not have originated in the Superior Court?

Hon. Mr. ABBOTT—It is a necessary provision in consequence of the peculiar constitution of the courts in the North-West. They have not the same number of courts as we have in the other provinces, and it is proposed to give an appeal to the Supreme Court direct, if the subject in dispute is considered of sufficient importance by the Court to grant leave. I would like to move as an amendment or addition to this clause, that the registrar, under the supervision of the Minister of Justice, shall have the management and control of the library of the Court and the purchasing of all books therefor.

Hon. Mr. POWER—I think it is desirable that some person should be put in charge of the library of the court, and the registrar is no doubt the proper officer; but I do not see the propriety of handing over the control of the library to the Minister of Justice. I think the library of the Supreme Court should be under the control of the Supreme Court and not of any outside officer. I think the hon. gentleman would do well to provide that the registrar, subject to the direction of the Court, should have supervision and control of the library.

Hon. Mr. ABBOTT — There has been some discussion about it and that is the final conclusion, that it is the most satisfactory plan to have the Minister of Justice supervise it, in charge of the registrar. The Minister of Justice is to have a certain control over the registrar as one of the results of this provision.

Hon. Mr. POWER—The registrar is the officer of the court.

Hon. Mr. SCOTT—But the books, I fancy, are purchased through the Department of Justice.

Hon. Mr. ABBOTT—I understand that the intention is that the registrar shall actually purchase them, but he shall take his authority from the Minister of Justice with regard to the selection.

Hon. Mr. MACDONALD, from the committee, reported the bill with one ameudment, which was concurred in and the bill was then read the third time and passed.

INTEREST ON SAVINGS BANKS DEPOSIT BILL.

THIRD READING.

Hon. Mr. ABBOTT moved that the House resolve itself into a Committee of the Whole on Bill (127) "An Act relating to interest payable on deposits in the Post Office and Government Savings Banks."

He said—This Bill is simply one which gives the Government a certain discretion as to the rate of interest on money in the savings banks, which discretion it does not possess at present. The Government is not allowed to pay less interest than four per cent. Considering the rate obtainable on deposits in other institutions, the Government ought to have power to lower the rate, though they do not contemplate at present exercising the power.

Hon. Mr. POWER—The statement which the hon. gentleman has made shows that the rate of interest is going down all round.

Hon. Mr. ABBOTT—I admit it.

Hon. Mr. POWER—I cannot say that I feel very much disposed to congratulate the Government on this measure. Probably as a business step it is justifiable; although I think perhaps they might have strained a point to allow the people to make those deposits interest at the rate of four per cent; and I may be allowed to make reference to a discussion which took place in this Chamber two or three years ago on a motion made by myself in connection with Savings Banks. Sometime ago it was the practice to allow parties to deposit up to $3,000 in the Savings Banks. It was found that that practice interfered very seriously with the business of other

banks. I called attention to the matter here and a very vigorous attack was made on me the ground that I was endeavoring to deprive hard working mechanics, widows and orphans of the opportunity which was afforded by the government to deposit their money in a safe place at a good rate of interest. Notwithstanding the fact that those who support the government here attacked me and spoke of my suggestion to reduce the amount allowed to be deposited as something almost inhuman ; within a very little while the government—I am not at all assuming that they did it in consequence of what I said, but in consequence of the fact that other people who had more influence than I possess took the same view that I had ventured to express here—reduced the amount which any person could deposit in a Government Saving Bank to $1,000, and the amount which could be deposited at one time to $300. I think with these limitations, the savings banks are used by the poorer people to deposit their savings. Before that they were used largely by wealthy people to deposit their money and get a higher rate of interest than was allowed by other banks. I think the reduction of the amount to be deposited was a wise change : but I cannot be enthusiastic over the proposition to reduce the rate of interest.

Hon. Mr. ABBOTT—What my hon. friend says is only an exemplification of the wisdom of having a number of experienced people meet annually to discuss these public questions, and of obtaining the stimulus it gives to apply their intellects to criticisms of Government policy ; and I hope my hon. friend does not find it extraordinary that such criticisms should sometimes be reasonable and just, as his criticism this time appears to have been. As to the rate of interest, my hon. friend will perceive that the Government all along, in fixing the rate, has been actuated by the very idea that he now enunciates to the House—that as high a rate shall be given to the poor people who use those savings banks, as is consistent with the public interest. But the fact that the discrepancy between the rate at which money can be got, and the rate paid on those deposits, might be so great, that it would be against the public interest to pay four per cent., must be considered. While there is every desire to give people encouragement to deposit their savings, and to give a liberal rate of interest, there is no reason for creating the depositors into a sort of annuitants, receiving one per cent. more than their money would produce anywhere else. I quite agree with the principle that my hon. friend states, that they should be treated liberally, and the Government will continue to do so, so long as the difference between the rate they pay and the ordinary rate is not too great. One per cent. on $40,000,000 is a serious item.

Hon. Mr. McCLELAN—I regret that the Government have found it necessary to take power to reduce the rate of interest below four per cent. It was stated in the discussion we had here two years ago that the Government should not pay a higher rate than they could borrow money for in England. On examination, I think it was clearly shown, by extracts from the Finance Minister's speech at that time, that the average interest for ten years, with the expenses and commissions attending it added, to say nothing of other expenses, amounted to four and a quarter per cent. I cannot understand why the Government of the country, when they have to borrow money, should not pay as high a rate of interest on deposits as they pay on their loans. The leader of the Government says that they do not wish to pay any more, but I cannot see why the Government would not as readily pay to their own people the same rate of interest as they pay to English capitalists. Even if money could be borrowed now at a lower rate than four per cent, it should be remembered that the savings banks are fixed institutions of the country. It is not intended to do away with them so as to save the expense of running them. That expense will not be increased by larger deposits. Therefore I see no necessity for diminishing the rate of interest. If our own people provide money for the use of the government, our own people should get the advantage of interest paid, and I cannot see how it is incumbent on the government to reduce

the rate. I trust that the powers taken under this bill will not be exercised to reduce the present rate of interest. It is well understood where the influence comes against the depositors in the savings banks. It emanates from the chartered banks of the country. No doubt these wealthy institutions have a large amount of political influence and they desire to have the rate of interest reduced for their own advantage, but I scarcely see that that can be a possible reason why the government should interfere to cut down the rate which is now paid on the deposits of poor people throughout the country. In the present depressed state of the country—depressed in certain portions of it, at all events, from one cause or another—it becomes a matter of great concern for persons who have an accumulation of savings, to have a safe place to deposit their earnings. It is a wise thing for thrifty people to do, and to interfere with their chance of depositing in that way and to reduce the rate of interest is, I think, injurious to the interests of the country, and I felt that it was only proper that I should say so.

HON. MR. KAULBACH—The hon. gentleman has expressed everything that I should like to say on the matter. We should encourage, as far as possible, the thrift of our people and induce them to save their money, especially the class of people for whom savings banks are intended, and I hope the hon. gentleman's remarks will be favorably considered by the Government.

HON. MR. WARK—I fully agree with my hon. friend, that although the Government are taking this power, they should not exercise it. I do not think that the public complain in the least, because the people who use those savings banks, get four per cent. for their money It is but a small matter. There are in Nova Scotia and New Brunswick forty-three of these savings banks, and the desposits in them are between $100,000 and $200,000 : four per cent on that amount is no serious matter, and if you reduce the rate to three and one half you save just $500. Is it worth while to alter the rate of interest for such a saving as that—the salary of one of our door keepers—when we are borrowing $30,000,000 in one loan ? Taking the deposits to be $200,000 the saving at the rate I have mentioned would be only $1,000. That amount the public offers to a Senator without the least hesitation. I regret that a reduction of the rate of interest should be contemplated. The public do not object to the rate that is paid now. The public wish to see these poor people save their money and I do not think that an application has come from any quarter asking for this reduction. There is another question connected with these savings banks to which I would call attention : they do not pay for the time they have the money, as other banks do. If a person has money on deposit in other banks he gets interest upon it from the day he deposited until he draws the money. That was the case with the Government Savings Banks under the late administration, but it has been altered by this Government. If a poor man gets his winter's wages on the first of June and deposits it, it does not bear interest until the next month, and if he is forced to draw it from the bank on the 30th November he gets no interest on it for the month of November. In that case the savings bank would have the money for six months, but would pay only four months interest. The whole days of a month that have not transpired from the time of deposit count for nothing, and the whole days of a month that have transpired from the first day of a month until the time the money is withdrawn are taken off. There is another thing connected with the payment of interest in this country when it is paid abroad : they must draw their money at least a month before the interest is payable in order to remit it in time, and they have also to pay commissions. Here the money is paid out without any expense. Again the money that is paid on loans goes abroad to be expended, whereas here, if we had a large portion of our debt in our own country, the money would be paid out and put in circulation again. Consequently there would be a great advantage in having a portion of the debt at least payable on this side of the Atlantic. I do not think it is neces-

sary that the Government should spend all the money that is put in the savings banks. If they would employ it in buying up a portion of their bonds on the other side of the water and save the interest paid abroad and pay the interest on the deposits in the savings banks instead, it would be a good policy. Though the Government are taking this power, I sincerely hope they will not exercise it.

HON. MR. ABBOTT—It is most gratifying to find so much unanimity of opinion in this House on the subject of this Bill, but I do not suppose that any hon. gentleman proposes the Government shall pay four per cent. if the difference between that and the regular rate should be too great to be borne by the country. The only point of difference to which I wish to advert, is the calculation of my hon. friend from Fredericton. He must remember that one-half per cent on $40,000,000 is $200,000 a year, and that is an amount which would pay a good many messengers. And if we actually make a clear loss of $200,000 a year by continuing to pay four per cent, it will become no doubt a matter for consideration, whether there should not be some effort made to save some part of that money.

HON. MR. KAULBACH—You can hardly call it a loss.

HON. MR. ABBOTT—It is a loss to the country generally, though not to a large section of the population. But of course it is paying $200,000 to these depositors for putting their money in the Dominion Savings Banks where it is safer than anywhere else—it is giving a premium to that amount. It is very desirable that they should continue to receive as liberal a rate of interest as the government can continue to pay, consistent with the public interest. It perhaps would not be satisfactory to the country to lock up too large an amount of the savings of the country in the hands of the government as a loan. That would divert it from all kinds of industrial enterprises throughout the country, and that is an element which will have, sometime or other, to be considered in dealing with those savings banks. At the same time I entirely agree with the principle which has been stated by every hon. gentleman who has spoken as to the propriety of dealing liberally with the industrious poor and the middle class, who use the savings bank.

The motion was agreed to.

HON. MR. ROSS (Laurentides), from the Committee, reported the Bill without amendment.

The Bill was read the third time and passed.

INLAND REVENUE BILL.

THIRD READING.

HON. MR. ABBOTT moved that the House resolve itself into a Committee of the Whole on Bill (122) "An Act to amend chapter 34 of the Revised Statutes respecting the Inland Revenue."

He said—This Bill is also one which largely relates to detail. The principle of the material portion of the Bill is to alter in some degree the provisions which were made at the time of the passing of the Inland Revenue Act now in force, under which large privileges were given to new distilleries in order to prevent the monopoly which was feared in the hands of established distillers. This provision was that they might manufacture as much spirit as they chose, and then send out one one-third of the whole product; and in this way the privileges they had might affect the trade much more than the danger which was feared from the supposed monopoly. In that respect the Bill is changed to some extent.

The motion was agreed to.

HON. MR. CASGRAIN, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

APPLICATION OF LAWS TO MANITOBA BILL.

THIRD READING.

HON. MR. ABBOTT moved that the House resolve itself into a Committee of the Whole on Bill (41) "An Act respecting the application of certain laws therein mentioned to the Province of Manitoba."

He said—This Bill is for two purposes, one to make plain the date at which the laws of England prevailing in Canada, shall be applicable to Manitoba, and the other to regulate the rate of interest.

The motion was agreed to.

HON. MR. MCMILLAN, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

THIRD READING.

Bill (118) "An Act to amend the Weights and Measures Act, as respects the contents of packages of salt," passed through Committee of the Whole without amendment, and was read the third time and passed.

CUSTOMS ACT AMENDMENT BILL.

THIRD READING.

HON. MR. ABBOTT moved that the House resolve itself into a Committee of the whole on Bill (121) "An Act to amend chapter 33, of the Revised Statutes of Canada, respecting the duties of Customs." He said—This is a bill to amend an Act which has been on our Statute Books for a long time, for the purpose of making as it were a corrected list of the articles which we are prepared, at the option of the United States, to make free when they do the same thing. In other words, we propose to make a standing offer of reciprocal trade in the articles mentioned in the Bill. The law as it stands was passed some thirty years ago, and many of the articles mentioned in it would not be approved of by a great majority of the people, as objects of reciprocal trade at present. This Bill simply makes a corrected list of those things which, in the opinion of the Government, it would be desirable to have reciprocal trade in.

HON. MR. DICKEY—It still leaves it at the option of the United States Government to select any of them?

HON. MR. ABBOTT—Yes, precisely as the existing Act does.

HON. MR. POWER—This is a simple measure in appearance, but it is one which has a rather interesting history. This statutory offer was the occasion of a remarkable change of base on the part of some members of the Government in another place within a comparatively short time. A leading member of the administration declared with regard to this statutory offer that the United States Government were obliged to take the whole or none, and that any Canadian who undertook to say that the United States should be free to select such of those items as they desired and that we were then obliged to make these articles free, was recreant to all sense of patriotism and duty to his country. That was the statement made one day, and five or six days afterwards the Ministry came in and declared that the thing which had been said to be unpatriotic and unworthy of a Canadian was just the thing that they proposed to do. Apart from that historic interest there are some other points about this little Bill that deserve consideration. I find that the following articles have been taken out of the statutory offer by this Bill—green fruit.

HON. MR. ABBOTT—Green fruit is free now: the articles which are free now are not put in.

HON. MR. POWER—I was going to advert to that—green fruit—bran, trees, plants and shrubs, seeds of all kinds, smoked and salt meats, &c. These are all in the existing statutory offer and it is proposed by this Bill to take them out.

HON. MR. MILLER—They are already free.

HON. MR. POWER—Some are free and some are not. Some of those articles have been made free by the United States—green fruit, trees, plants and shrubs. I should like to ask the hon. gentleman who has charge of the bill where or our Statute Book, after we have passed this Bill, will appear the law which makes these articles free that are now free under the existing arrangement with the United States? As I understand, they are free now under an Order-in-Council based on this section. If we repeal the section the authority for the Order-in-Council is gone; and I should like to know just where the authority is then to make these articles free?

HON. MR. ABBOTT–I should answer that by saying that they have become free by means of proclamation, under the provisions of this law when it was in force. The effect of this Bill is practically to prevent proclamations issuing hereafter in respect of articles omitted from it; but that which has been done under the law of the land as it is, will not be repealed by the fact that the law is repealed for the future. The proclamation once issued under existing law is itself a law so long as that proclamation is not repealed.

HON. MR. MILLER—That explanation was given by the Minister of Finance and accepted in the other House.

HON. MR. OGILVIE — Everyone knows that.

HON. MR. POWER—We do not all know as much as the hon. gentleman from Alma division.

HON. MR. OGILVIE — Everyone knows it but the hon. gentleman from Halifax.

HON. MR. POWER—I wished to know how it was put. The explanation is correct. At the same time I do not know that there was any necessity for striking the items out. Then the articles which were to be made free under the existing law, and which under this Bill are not to be made free, are articles of some considerable consequence. For instance, take Indian corn, Indian meal, and salted and smoked meats. I know that in the Province from which I come the removal of the duty on Indian corn, beef and pork would be looked upon by the people at large as a blessing; and I see it is a blessing which they will not be in a position to enjoy in the future. It occurs to me, looking at the articles to be taken off the free list and those which have been put on, that we have been taking off just those articles which offered some inducements to the United States government to go a little further in the way of reciprocity, and putting on articles which offer no inducement whatever to them. The United States have no inducement to make fish oil and the products of the fisheries free.

HON. MR. HOWLAN—They are very large buyers of fish oil.

HON. MR. POWER—But they are not likely to make it free, as I understand now.

HON. MR. MACINNES (Burlington)—They will not make anything free unless it suits their interests.

HON. MR. POWER—One effect of the change of law, in my humble opinion, will be to prevent any further extension of that reciprocity, which the government profess to have so much at heart.

HON. MR. OGILVIE—Nonsense. I cannot believe it possible that the hon. gentleman really means what he says.

HON. MR. POWER—Oh, yes he does.

The motion was agreed to.

HON. MR. KAULBACH, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

BILLS INTRODUCED.

Bill (126) "An Act to amend chapter 124, of the Revised Statutes respecting insurance." (Mr. Abbott).

Bill (104) "An Act to amend chapter 51 of the Revised Statutes of Canada, 'The Territories Real Property Act.'" (Mr. Abbott).

At six o'clock, the Speaker left the Chair.

AFTER RECESS.

MONTREAL AND QUEBEC SHIP CHANNEL.

THIRD READING.

The Order of the Day being called for Committee of the whole on Bill (134) "An Act to make further provision respecting the construction of the Ship Channel between Montreal and Quebec."

HON. MR. ABBOTT—This Bill has passed the second reading without discussion, with the understanding that any discussion that might be needed upon it, would be had when the House went into Committee. In moving that His Honor the Speaker do now leave the Chair, I do not know that I should say anything new, if I state in a few words the nature of the Bill which is before the House. Hon. gentlemen will no doubt remember that many years ago, in consequence principally of the large expanse of shallow water known as Lake St. Peter, vessels could not reach Montreal, drawing more than eleven feet of water. In consequence of that, as it was felt that Montreal being the farthest seaport from the Atlantic, was a seaport of the Dominion that should be encouraged, measures were taken to deepen the ship channel through this lake. At first, those measures were undertaken by the Government itself, and after that, they were assumed by the Harbor Commissioners of Montreal, which was, in reality, a *quasi* Government corporation, composed partly of persons named by the Government, and partly of persons named by the City of Montreal, and partly by persons named by the various trade associations in that city. This body continued the work, and at present is actually in possession and control of it, and in the course of its operations it has practically deepened the entire channel from Montreal to Quebec to a depth of 27½ feet. It is not yet absolutely finished. It will require an expenditure of $200,000 or $300,000 to complete it; but the work required is mainly the straightening of curves in the channel, and the deepening of some portions of rock; and the channel is now so nearly completed, that the largest steamers that visit this country, constantly make their harbor in the port of Montreal at the lowest water. This channel, however, being practically as much a canal of the Dominion as any other canal from the Welland downwards, has been a very severe burden upon the port of Montreal, and upon the trade finding its access to this country and its outlet in the port of Montreal. Of course, in reality, the trade which was benefited by it, was the trade of the whole Dominion, because the shipments which are received there from the sea are chiefly imports from the Dominion, and the exports which found their outlet there are exports of the Dominion; and the charges in the harbor of Montreal practically constituted a tax on the trade of the Dominion. The work has assumed such proportions that in the opinion of the Government, it has become too great a burden to be placed on one port, and the object of the present measure is to enable the Government to take over the expense of this channel, and make it a part of the interior navigation system of the Dominion, as the canals are. The expenditure which has been made upon this canal up to the present time is about $2,700,000, and I venture to say that there never was a public work undertaken in the Dominion of Canada, that was made so cheaply and effectually as this. The dredging expenses have been incredibly low. Huge tracts of land have been dredged out at an expense of about three to five cents a yard, and huge masses of rock have been removed at an expense of about fifteen cents a yard. And I am sure hon. gentlemen who have much ex-

perience in such matters as that, can recall no such case where dredging has been done under water at such prices as those. The work was commenced under the auspices and supervision of the late Hon. John Young, who was thoroughly heart and soul in the matter of the navigation of this river, and he was not the man to allow $1 to be expended without producing its corresponding improvement in the channel.

HON. MR. POWER—It is a pity that there were not more men like him in the Government employ.

HON. MR. ABBOTT—The Hon. John Young was not actually in the government employ. He was placed there with the assent of the government, and I think he held his position as chairman of the harbor commissioners under the government; but he was in reality the choice of the city of Montreal and practically the choice of the whole community. He was really entitled to the credit of having pressed forward this work while he lived, with an energy and economy quite unparalleled in the history of such work, and I venture to say that the tradition he left behind him has been maintained by his successors. I know a good deal of what was done in this work; and I venture to say that there was not one dollar expended on it that was not fairly expended on the channel itself. There was no extravagance, no jobbery, no boodling as it is called now, from the beginning to the end, and the proof of it is that this enormous work, extending over the entire river from Montreal to Quebec has only cost the sum of $2,700,000. Now, in response to the remonstrances of the trade of the country—not only of Montreal but the large trade that is connected with Montreal, and with a view if possible to make our interior Canadian seaport as attractive as possible—as attractive to ships as American seaports—the Government have made up their minds with the assent of Parliament to take over this expenditure. I should like to make it clear to my hon. friends that this change does not involve any expenditure upon the harbor of Montreal. I notice in another place that very hard words were indulged in—that the harbor was said to be in a state of bankruptcy, inasmuch as there were arrears of interest on this channel debt of about $37,000, and it was very unjustly and improperly stated that this $37,000 was proposed in this measure to be assumed by the Government, for the purpose of saving the harbor of Montreal from bankruptcy. Now, I wish to say that the harbor of Montreal has paid interest regularly on every dollar it ever borrowed. Its credit is ample to enable the harbor commissioners to improve it, and put it in such a condition as to make it one of the finest ports in this Dominion, and they are perfectly able and competent to do it. I should say also that they desire to make it a cheap port, which may advantageously compete with any port on the Atlantic coast for ships frequenting it; and the first step to that end is the measure I now propose to the House, namely, the assumption of the channel debt by the Government, the result of which will be to relieve the harbor commissioners of the interest on that debt, and in consequence of that relief, will enable them to permit ships to enter the port of Montreal, free from all tonnage dues whatever. The revenue accruing from dues on cargoes must remain, for there must be a sufficient amount derived from the harbor to provide for its administration; but so far as tonnage dues on shipping go, they will be abolished. Now what is proposed is this, that the country shall take over the expense of this channel.

HON. MR. POWER—How much is that?

HON. MR. ABBOTT—About $2,700,000. There will probably be a sum of $200,000 required for the purpose of completing this work. That was voted last year. and there will be this sum of $37,000, representing interest upon the capital, the whole amount being about $3,000,000 which the Government will take over, as the cost of the entire work between Montreal and Quebec, a distance of 180 miles. The resolutions which were passed in the House of Commons and the Bill which was founded on those resolutions simply

provide for what I have stated being carried out. The Government take over the advances made for the purpose of deepening the Ship Channel. They pay this sum of $37,000, and they expend the amount remaining of unexpended previous appropriations, for the purpose of entirely completing the channel. There is a condition inserted requiring the Harbor Commissioners to relinquish the tonnage dues, and at the same time to hand over to the Government the whole of their plant.

HON. MR. KAULBACH—What is that worth?

HON. MR. ABBOTT—About $560,000 is its estimated value, and it is worth that for continuing the work. This plant is of the best description, and in the best possible order, and the value of it, for use, is about what it stands at on the books of the Harbor Commissioners.

HON. MR. MACDONALD (B C.)—What were the tonnage dues formerly?

HON. MR. ABBOTT—I can hardly answer that. The tonnage varied according to the class of vessels. There was a regular tariff approved by Order-in-Council, and those rates varied according to the class of vessel. The relinquishment of those tonnage dues will deprive the harbor of an annual revenue of about $70,000.

HON. MR. KAULBACH—Does the Government contemplate increasing the depth of the harbor?

HON. MR. ABBOTT—The Government have nothing to do with the harbor.

HON. MR. KAULBACH—I mean the depth of the St. Peter's channel?

HON. MR. ABBOTT — There is nothing to be done to the channel except what the appropriation made last year may finish—simply the straightening of some curves, and deepening at two or three points where the rock excavation has not reached a sufficient depth. The Government will now stand owners of the channel as a public work, with all the plant, buoys, steamers and dredges to keep in order, and finish it.

HON. MR. MACDONALD (Midland)—Will the hon. gentleman inform the House as to the age of the plant? It has a life, I suppose and assuming that the half of that is gone, the probability is that it is only worth fifty per cent. of its original cost.

HON. MR. ABBOTT—As I stated to the House, the plant if sold now would not realize its original cost, but a great deal of it has been built within a few years. The main work of this channel has been done within the last five or six years, and within that period those dredges and steamers have been built from time to time, and every year they have been subjected to the most thorough repair possible, before being set in operation. I am assured, and I as a member of the Board, know from the report made by the engineer who has charge of this plant, that for the purpose of carrying on any work, the plant is just as good as new, having been put in thorough repair during the past winter. Of course for sale it is not as good as new.

HON. MR. OGILVIE—It could not be replaced for the same money.

HON. MR. POWER—As we took only half-an-hour to-day to dispose of $25,000,000, I do not suppose we ought to take long to dispose of $3,000,000; still when a comparatively large sum of that sort is demanded by the Dominion, there ought to be something said about it. The leader of the House has presented the case in a very satisfactory way, looking at it from a Montreal standpoint.

HON. MR. OGILVIE—Or from a Dominion standpoint.

HON. MR. POWER—That is another question. It happens there are two harbors on the St. Lawrence: there is the harbor of Quebec, which nature made and intended, one would suppose, for the port of the St. Lawrence; and there is this harbor of Montreal, which has been made an ocean harbor by the

expenditure of considerable sums of money. Now, while it my be very satisfactory to Montreal that the Government shall assume the debt which has been incurred in making it a seaport, that transaction is probably not so satisfactory to Quebec, because as regards Quebec the effect of the expenditure has been to destroy her character as the seaport of the St. Lawrence. Of course, Quebec has been made right to a certain extent, because in another Bill, which will be before us shortly, there is a provision for our assuming our portion of the Quebec Harbor debt also. Then I presume, that in another year or so the Government will be called upon to assume some of the liabilities of the city of Halifax in connection with the harbor works there. In Halifax the people have taxed themselves to a considerable extent for a dry dock, and I presume that next year our people will come and ask the Dominion Government to assume the dry dock as they are now assuming the Levis dry dock. I could not help thinking, as the hon. gentleman was putting the case before us, with that clearness and ease for which he is remarkable, that there are people who are unkind enough to say that it is not the merits of the Montreal claim that have obtained this concession and a similar concession to Quebec; but that the Government were anxious to make an arrangement with the Canadian Pacific Railway,—that the Canadian Pacific Railway were to get a final concession, and that there were certain gentlemen whose votes were necessary, and that they were not likely to vote that concession, unless things were made right for Montreal and Quebec. That is probably about the English of it; but it is quite admissable that this other view should be presented. Of course it would not do for the hon. gentleman to present to us the interior view of the transaction. I doubt the wisdom of our continuing to fight against nature. I think for the bulk of the Dominion, Quebec would be just as good a port as Montreal.

HON. MR. ALEXANDER—No, no.

HON. MR. POWER—Perhaps the hon. gentleman from Woodstock feels it more inconvenient to ship his goods from Quebec than from Montreal, but for most people, as long as there are railway facilities, Quebec would serve all purposes. I do not think the country at large is so much interested in making Montreal the seaport instead of Quebec. I am glad to hear that under the supervision of the late Hon. John Young, the work was carried on with energy and economy. I do not wish to say anything that might be regarded as uncomplimentary to the Department of Public Works, of this country; but I feel compelled to say that if this work is carried on in the future with energy and economy—if there are large results from small expenditures—it will be a very exceptional case in the history of public works in Canada under the present administration.

HON. MR. ALEXANDER—I venture to address the House as a member from western Ontario, and not as an inhabitant of the City of Montreal. We all have a desire to see the City of Quebec, as the ancient capital of Canada, prosper. With all its beauty and its magnificent position, it is where, in my opinion, the seat of Government of the Dominion ought to have been, just as Washington has been selected as the seat of Government for the United States, bordering on the Atlantic, very far removed from the centre of that great Union. But no citizen of western Ontario can to-day look to any other point than Montreal as the Atlantic shipping port of the Dominion. Montreal is peculiarly situated as a city to become the future New York of the Dominion of Canada. No man who has studied the railway system and the geography of this northern continent can fail to see that we will bring the whole of the trade of our North-West, north of Lake Superior, to the city of Montreal; across the river there by two bridges for Boston, Portland, New York, or any other part of the United States. In the same way, the Grand Trunk Railway and the Canadian Pacific Railway are extending their branches with such efficiency to Niagara Falls, Buffalo and Detroit, connecting with Michigan, Illinois, Minnesota and the Western States, that we can hope to

draw the trade from a large part, not only of our own North-West to Montreal' but to sweep over those two bridges to Boston, Portland and New York, the trade of the Northern and Western States and carry it on our railways to the seaport of Halifax, or to Montreal. I hope it will have the effect of building up Halifax. That city has not benefited to the extent that we hoped it would benefit in the past, and I speak in all confidence of the future of the country, that we all wish to see Halifax become the great future shipping port for the produce and mails of this great Dominion.

HON. MR. POWER—That is what it always is, unfortunately, a great "future' shipping port.

HON. MR. ALEXANDER—With regard to the expenditure made on the St Peter's Canal, will any man rise on the floor of this House and say that it is not in the interest of Ontario that that should be a public work? Is there a citizen of Ontario who has not a deep interest in the perfection of the navigation of the St. Lawrence up to the City of Montreal, by which ocean-going vessels can come from Liverpool, London, Glasgow and other great ports of the world? By the improvement of the ship channel between Montreal and Quebec, and the competition between the Grand Trunk Railway and the Canadian Pacific Railway, we receive our goods at Toronto at a minimum cost for freight, and we can ship our produce and our cattle to any port in Europe on most reasonable terms.

I give my hon. friend the hon. member from Halifax credit for his industry and diligence. No member of this House takes a deeper interest than he does in public affairs. He is generally right, and I have the honor sometimes to follow his lead—not always—but I am sure in objecting to this bill he is making a mistake and taking a contracted view of the question. A few years ago we might have entertained those views, but under the administration of Sir John Macdonald's government—much as I condemn it on some accounts—the country has developed wonderfully. It has completed the Canadian Pacific Railway to the Pacific coast so that we can now populate the North-West, and having gone so far it would be a blind policy if we did not adopt the measure introduced by the leader of this House. Let us pursue a generous policy and try to develop the country for the benefit of the Dominion. Either we have the courage of our convictions with regard to the future of Canada, or we have not. If we have the courage of our convictions with regard to the North West and the future of Canada, we are bound to use the credit of the country to any extent—that is to say, honestly—to increase trade between this country and Europe. All practical statesmen can only say, if we do not act upon such a policy our views are very contracted. There cannot be two opinions on this subject. With regard to the city of Quebec, no one can regret more than I do, that its trade has been absorbed by Montreal. Quebec is the ancient capital, and its history possesses more than ordinary interest. It is peopled by the noblest part of the French Canadian population. Its associations with the citadel, with the early settlement of the country, with the magnificent Laurentian Mountains render it a most attractive city. You cannot name in Europe a city which presents such a noble aspect as the prospect you have from the terrace of Quebec. I have always regretted that Quebec was not made the capital of the Dominion. It is a city that we should be as proud of as the Americans are of Washington, but the trade of Quebec has been impaired. I regret it deeply, because I have a large circle of acquaintances in Quebec, from whom I have received much kindness and hospitality. But, since its trade has been diverted from it, we must go on pushing the trade of Montreal and make that city the New York of Canada.

HON. MR. KAULBACH—I think my hon. friend from Halifax did not speak with the earnestness of his convictions. He spoke with bated breath, as though he had to criticize the Bill, and yet felt it was in the interest of the whole Dominion.

HON. MR. POWER—I rise to a ques-

tion of order. The hon. gentleman has imputed to me want of veracity. He says I have stated what I did not believe.

HON. MR. KAULBACH—I withdraw any remark that my hon. friend might not approve of. I meant to say that I did not believe he was stating his real convictions in the matter.

HON. MR. POWER—I must ask the hon. gentleman to withdraw that statement also.

HON. MR. KAULBACH—Then the hon. gentleman does not speak all he thinks. I do not want to be offensive, but I am sure if the hon. gentleman would consider this matter he would not say that it was giving $3,000,000 to Montreal as a rival of Quebec. My hon. friend cannot say that, because we look upon this as a great public work in the interest of the whole Dominion of Canada. If he wishes to have New York the great seaport of Canada instead of Montreal, then he is taking the right course; Montreal has always been considered by shippers as a costly port to go to in consequence of the heavy tonnage and towage. If we can do anything to increase the shipping of that port, we will thereby increase competition, and that is in the interest of the whole of Canada. The St. Lawrence is the main artery of the Dominion and with its great lakes is the most direct route to the interior of the continent. The population of the great North Western States are looking for cheap and speedy transit to the Atlantic coast, and desire to have the St. Lawrence route for the transportation of their products. We should by every means in our power endeavor to secure that trade instead of letting it go to New York. It is their interest, as well as ours, to carry their trade to the Atlantic by the more northern and direct route, and by this means we will have at least friendly relations with the north western part of the United States. A very great amount of money has been paid by way of interest on this ship channel debt. If the Harbor Commissioners are relieved of that debt and the money which they now pay in interest is utilized for the improvement of the port of Montreal, it will increase the facilities for shipping. That would evidently be in the interest of the whole of Canada. I am glad to see that the Government have at last undertaken to assume this debt, and I am sure that there is no part of Canada that will object to see this step taken. It is in the interest of the whole Dominion.

HON. MR. OGILVIE—Although the hon. member from Halifax was very mild indeed in his criticisms on this bill I think it is necessary that I should say a few words in reply to his statements. There is a popular cry that the government are going to spend a large amount of money on the harbor of Montreal—that they are going to pay for the harbor of Montreal. I do not like to censure the government, but if ever I had reason to criticise them for many years past it is because they have helped every harbor, from Halifax to Victoria, except the harbor of Montreal. They have never spent a dollar in our harbor yet. They build harbors, dry docks, and harbors of refuge anywhere and everywhere that they are needed—some in places that I never heard of before—but not a dollar is spent on the harbor of Montreal. My hon. friend fom Halifax said that there is a good natural harbor in Quebec, and therefore Quebec was the proper place for the terminus of the Atlantic lines of steamers, and he said it was just as easy to ship our goods from Quebec as from Montreal. In many things I certainly would admit that the hon. member from Halifax would know a great deal more than I do, but I think I am quite as well qualified to judge of this matter as he is, and I can tell him that the cost of that transportation by rail from Montreal to Quebec would, at the present day, divert almost the whole of the wheat trade from the St. Lawrence altogether, to the Atlantic ports in the United States. Time and time again I have known one-eighth of a cent to turn 100,000 bushels of wheat, shipped at Chicago and Duluth, to New York, instead of to the St. Lawrence route. It is cut up so fine that a quarter of a cent will turn the wheat one way or the other almost any time. I do not think that the Canadian

Pacific Railway and the Grand Trunk Railway have reached the point where they are willing to carry our wheat and flour to Quebec for nothing, or to bring the coal of Nova Scotia from Quebec to Montreal for nothing. There is a change going on constantly in transportation. I have had something to do with freighting. The very best boats that were built eight or nine years ago, which we thought were perfect boats, are comparatively useless to us now—they are too small. Freight rates are cut down so fine that we cannot carry freight in sm ll boats at all. We have got to get large boats to carry it at a profit. Four or five men will man a vessel that will carry 50,000 bushels just as well as one that will carry only 18,000. I remember perfectly well myself when the Montreal Transportation Company, of which Hugh MacLennan is manager still, used to get six and a half cents for elevating corn in Kingston and landing it in vessels in Montreal. A. W. Ogilvie & Co. last summer paid the same company for bringing wheat from Duluth, Port Arthur and Chicago to Montreal only six cents, and the company is very glad to get two and a half cents for carrying grain from Kingston to Montreal now, so that hon. gentlemen who are not acquainted with this business, will see that the whole system of freights is cut so fine at the present day that had the ship channel not been made between Montreal and Quebec, every town in western Ontario, and the whole country through to British Columbia would have suffered because the wheat and flour would have gone by the American routes, and would never have reached Quebec at all. Therefore the ship channel has not injured Quebec while it has benefited Montreal. Then there is a large amount of coal shipped west from Nova Scotia now. In that trade also they are increasing the size of the vessels every day: small vessels will not pay. If the St. Peter's Channel had not been deepened and the navigation of the river had not been made available for vessels drawing a consider able depth of water, Quebec would not have been benefited and Canada would have lost a large trade. I know perfectly well what I am talking about when I tell you this, and I am keeping within the facts. It is of course a relief to Montreal to have this debt taken over, but I do not consider that the Government are giving Montreal anything at all. They are only doing what they were honestly bound to do. That work was taken from the Government by my personal friend, the late Hon. John Young, and his friends and, as the leader of the Government stated, managed magnificently. Mr. Young gave his whole soul to it and worked well. Previous to 1873 the Board was composed of nine members, five of whom were appointed by the people of Montreal, one by the Montreal Board of Trade, and one by the Corn Exchange. These men worked for nothing, but in 1873, when the Liberal Government came into power, that arrangement was upset and the Government appointed five out of the nine members themselves, so that it became practically a public work and passed under the control of the Government. From that time the Commissioners were paid for their attendance at the meetings, and, I think, justly so. The chairman was paid $2,000 a year, to which I think he was fairly entitled, but this expense was not incurred until the Government practically took control of the works in 1873. My hon. friend from Halifax said that the work had been well done by the Hon. John Young, and he said so truly, and it has been well done to this day. I do not believe there are many men who have worked for the Government or the public with more zeal and energy than the late Thomas Cramp. He was a first-class man and was succeeded by Mr. Andrew Robertson a man admirably qualified for the position. No one could be more faithful than he has been. I have given these explanations to show that it has been purely a Government work and I do not think the Government have done justice to Montreal. If they were to do what they should do they would repay to the city of Montreal the $800,000 that they collected from them for interest to enable them to build the best harbor in Canada or on the continent. Some such improvement is badly needed now and will be still more necessary in the next two years because we will have

trebled the amount of business down the St. Lawrence that we have now. But I do not give the Government one iota of credit for relieving Montreal. They are simply doing what they should have done long ago. They are doing a Dominion work which is benefiting every part of Canada, from Halifax to Victoria, as much as the people of Montreal.

HON. MR. HOWLAN—I think the appropriation sanctioned by this Bill is a proper one. I agree with the hon. gentleman from Alma that it is not the distance of 180 miles between Montreal and Quebec that is of importance—it is the fact, as he has stated, that it increases the distance by which freight is carried on sea-going vessels. As time goes on, this question will have to be taken up in a much wider and broader sense than it has been. The present depth of the channel will not be sufficient. The majority of the new sea-going vessels will draw twenty-eight feet—that is the maximum now, and the channel will have to be deepened to thirty feet. It must be apparent that the exports from the great west are increasing. Something like 23,500,000 bushels of grain are exported from the North-West now. As years roll on, this will be constantly increasing, and it is not unreasonable to suppose that before many years, there will be 200,000,000 bushels of grain shipped from that part of Canada. When that takes place, it will be a question whether the Government of the day will not have to seek harbors further west than Montreal, and deepen the canals of the St. Lawrence to accommodate that increased trade. If one-quarter or one-eighth of a cent difference in freight will decide which way the trade shall go, it will be necessary to have ocean steamships go as near as possible to where the cargo is to be found. That is the tendency of trade—to bring the vessel as near to the product as possible. Therefore, in considering a question of this kind, this will be a precedent. I quite agree with the feeling of the hon. member from Montreal in what he has said on this subject: if it had not been for the foresight, energy and industry of the merchants of Montreal we would not have had that great city to-day. It must be apparent to every one who has given attention to this question that before many years the attention of the government will be occupied with seeking harbor accommodation further west—up the lakes. I think the day will come in Canada when ocean going vessels will ascend to Toronto and even further west, as they now ascend to Montreal.

HON. MR. ROSS (Laurentides)—Some hon. gentlemen say that Quebec has received compensation in the way of a graving dock. That was no compensation at all, because when the graving dock was first spoken of it was a scheme in which Montreal and Quebec united. The harbor commissioners of both cities agreed that it was a necessary work and that the expense should be divided between them. Afterwards Montreal backed out of the arrangement and it was left to Quebec altogether. Now that work is as necessary for Montreal as for Quebec. We have also the Louise embankment, which was built with money borrowed from the Government, but the interest on that is paid out of a fund collected in dues from ships. If Montreal is to be relieved of this channel debt, how is Quebec going to maintain its harbor and pay the interest on its debt? I understood the hon. gentleman from Alma to say that this is the only debt the Government has incurred for improvements to the harbor of Montreal. The hon. gentleman is mistaken. The Government have already expended a large sum—

HON. MR. OGILVIE—I do not think it.

HON. MR. ROSS—Yes, this is the second assumption of the debt. The great bulk of the property at Quebec is private property and in consequence of the trade going to Montreal it is nearly worthless now. What is to be the consequence? If we at Quebec had the energy of Montreal we would not be so far down as we are now, but unfortunately we have been saddled with the Ship Laborers Society, and that has injured our trade. However, so far as grain is concerned, labor is as cheap at

Quebec as at Montreal. With regard to the navigation between Quebec and Montreal, it will never be possible to run large ocean steamers above Quebec with safety and keep up the mail service. If we are to have very large and fast steamers they cannot go above Quebec. All that we want at Quebec is more energy to secure the trade. The cattle trade should belong to Quebec: cattle can be shipped with greater advantage from Quebec than from Montreal. When the weather is warm more cattle are lost on the vessel between Montreal and Quebec than on the whole voyage across the Atlantic. I know of one case in which fifty animals were lost last year. The cattle can be brought to Quebec and turned out there to graze for a little while and then shipped across the Atlantic, much better than they can be sent from Montreal.

HON. MR. OGILVIE—Cattle dealers do not think so.

HON. MR. ROSS—The cattle dealers are beginning to think so too. The graving dock, as I have said, is not a local work at all: It is as much for the benefit of Montreal as for the benefit of Quebec.

HON. MR. DEVER—It is an old saying that "most men will be true to their own private ends, though false to their country, religion and friends." There is a great deal of selfishness manifested here to-night. Apparently the representatives of Quebec and Montreal think that those cities represent all Canada, but it is well known that there are cities on the seaboard that possess excellent harbors.

HON. MR. POWER—That is not well known up here.

HON. MR. DEVER—It ought to be well known here. Before Confederation, we were told that our shipping would be developed and that the freight of the west would be brought down to the seaboard and that our maritime cities would become the Liverpools of Canada. Halifax possesses one of the finest harbors in the world; St. John, situated at the head of the Bay of Fundy, has a harbor which is open all the year round. It is not like the harbors of Montreal or Quebec, covered with ice half the year. One of the promises held out to us in entering Confederation was that the harbor of St. John should be the shipping port of Canada—that freights would be shipped from there the year round—that the grain trade would develop rapidly and be shipped from St. John. But now, it would appear, there is no such thought in the minds of the representatives from the province of Quebec. Montreal is their whole thought, and money must be laid out on the harbor of Montreal—freight must be had there—steamers must call there, and all the promises made to the cities on the sea coast are wholly forgotten. I am not so selfish as to desire to monopolize everything, but I think that hon. gentlemen ought to remember that the people in the eastern provinces who were induced to enter into confederation on the promises made then, have not been treated fairly. The money which has been borrowed in Europe and spent in the west has built up the cities of Toronto and Montreal. They have got the first fruits of that expenditure, for certainly I can remember when Montreal was a very dull city—a dormant city that no one would care to live in for forty-eight hours if he could leave it. Now it is more prosperous; its people have made money and its representatives think of nothing but Montreal. I hope that this selfish spirit will cease and that some consideration will be given to the people who live down by the sea, and that they will not be made to feel that they have been deluded by the promises held out to them when they entered the confederation.

HON. MR. WARK—I am rather favorable to this movement. I remember when we were discussing the subject of the union of the Provinces an argument was used against it that we would have to be taxed to deepen the canals on the St. Lawrence. I had been up here some thirty-eight years ago and been introduced to the Hon. John Young, from whom I got a great deal of information about the deepening of Lake St. Peter. The Hon. John Young was busy at it

then and doing a large business. My hon. friend says that he received no money: he did not need it because he was then in independent circumstances. The argument I used then in favor of deepening the canals was that I thought we would have a larger interest in it, because we owned more ships then than Montreal—more, in fact, than were owned by the whole Province of Quebec, and I expected that we would have a large share of the carrying trade. However, I was disappointed. I hope the Government will see their way to removing the Custom Houses and that the time will come when the great trade of the Western States will be diverted to the St. Lawrence and that Montreal may compete successfully with New York. I hope that some of us who are here to-night may live to see that day when a larger portion of the trade of the west will come down the St. Lawrence than comes now.

The motion was agreed to.

HON. MR. POWER, from the Committee, reported the Bill without amendment.

HON. MR. ABBOTT moved that the Bill be read the third time.

HON. MR. TRUDEL—As to this matter of the deepening of St. Peter's channel, is it understood that the work will be under the control of the Public Works Department in future?

HON. MR. ABBOTT—Yes.

HON. MR. TRUDEL—I think it is only provided that future works shall be?

HON. MR. ABBOTT—The whole thing will be under the control of the Public Works.

HON. MR. TRUDEL—Some years ago an Act was passed, transferring the whole of the works to the Government and recognizing them as public works of the Dominion. But, before the Act could be put into operation, it required an Order in Council to be passed. That Order in Council was never passed. Are we to understand that the money which is to be expended to finish the work, will be expended by the Government, or by the Commission?

HON. MR. ABBOTT—It is intended that the whole of the work, from the time the Act becomes law, shall be under the management of the Government, and under the control of the Public Works Department.

HON. MR. POWER—I wish to call attention to one circumstance in connection with this undertaking—that we are continually flying in the face of nature, spending millions to overcome nature and doing things different from the way in which nature intends they should be done. Some allusion has been made here to making Montreal the New York of British North America. It would be a very desirable thing to do if it were possible, but nature interposes certain obstacles that I think are insuperable. In the first place the harbor of Montreal is frozen over for six months of the year. That alone is a reason why Montreal can never be a New York. In attempting to make Montreal a port instead of Quebec we are simply doing what they would be doing in the United States if they were to try to make Albany the harbor instead of New York.

HON. MR. ALEXANDER—There is no analogy at all between them.

HON. MR. POWER—There is a great analogy. I do not mean to say that the Hudson is as deep as the St Lawrence but looking at the relative populations of the two countries, it would not be a greater undertaking to make Albany the sea port instead of New York than to make Montreal take the place of Quebec.

HON. MR. ALEXANDER — The Hudson is no such river as the St Lawrence.

HON. MR. POWER—The hon. gentlemen's observation has just recalled something to my mind which I thought

of a moment ago. I beg to congratulate the leader of the Government in this House on the fact that the hon. gentleman, who some time ago occasionally addressed me in a playful manner as being his leader, has gone completely over to the hon. gentlemen opposite.

HON. MR. SMITH—He thought he was in bad company before.

HON. MR. POWER—He was not in congenial company at any rate. Great stress has been laid upon the desirability of our expending a large sum of money in order to enable us to ship grain at Montreal. There may be such a thing as paying too dearly for such a whistle as that. I do not think that the mere shipment of any commodity from a port is of such immense consequence. It is not the mere shipping of goods from a port, or their being transhipped at a port that builds it up. If it were so Portland ought to be a very flourishing city, which it is not. The element that has built up Montreal is the fact that it has been a great distributing centre, and you might make Montreal a port through which you could pour millions and millions of bushels of wheat, without enlarging it very much by that means; and I do not think it is worth spending a great many millions of dollars to enable us to ship grain at that port instead of some other port.

HON. MR. OGILVIE.—Nobody has said so except yourself.

HON. MR. POWER.—I think the hon. gentleman from Alberton stated that in the future we will be called upon to spend more money for that purpose. To make the thing complete, I think the hon. gentleman intimated that we should have to deepen the canals up to Toronto, so as to have a 27 foot channel that distance.

HON. MR. ALEXANDER.—We will try that experiment by and by.

HON. MR. POWER.—If those things could be done *gratis* it would be all very fine; but there is no other country in the world that will enter upon such undertakings. Great Britain, with all her wealth, would hardly undertake it. I think it is an exceedingly unwise thing for a poor country like Canada to undertake such works.

HON. MR. HOWLAN—The hon. gentleman says that no other country in the world has undertaken such project. Does he not know that at the present time the city of Liverpool is building a canal to Manchester?

HON. MR. ABBOTT—I think my hon. friend's theory that we should remain where nature put us is subject to a great many exceptions. If we were to follow that principle, we should be sitting under the trees to-night, instead of in this beautiful building, and the hon. gentleman would not be presenting himself in the handsome costume in which he now appears in this chamber.

HON. MR. POWER—The hon. gentleman should not reflect on my old clothes.

HON. MR. ABBOTT—There is really no similarity between the relative conditions of Montreal and Albany. The city of Montreal is at the head of what is practically a vast estuary of the sea. It has all the characteristics of an estuary except that for a part of its length it has the current of a river. Quebec, it is true, has plenty of water to enable ships to reach there, but just as much work was required to make a harbor there as at Montreal, and the only advantage it had was that ships could anchor in the stream. In point of fact there are great many advantages in favor of this Montreal harbor which my hon. friend does not seem to be aware of. It is infinitely cheaper to carry goods inwards and outwards in vessels than it is to carry them by rail. The difference is very great between the expense of carrying heavy goods by rail, and by water. Of course the expense of bringing immigrants here, in which we are having immense traffic during the summer months, is much less by water than by rail; and in many other respects the further up the seaport

can be placed in the interior of the country, the better for the trade of the country. I think, therefore, in endeavoring to improve navigation below Montreal we are practically doing the same thing that we have done and are doing ever since this was a country, in improving navigation above Montreal. If we were to remain in a state of nature, we should abandon the St. Lawrence canals and the Welland canals, and we should not even build railways. I do not think that line of argument is a successful one, used in opposition to the desire of the Government to improve this channel from Quebec.

HON. MR. HAYTHORNE—I do not share in the belief that money expended in the improvement of the harbor at Montreal will prove detrimental to the interests of Canada. The hon. gentleman from Alberton referred just now to the project of bringing the cotton employed in the manufactories of Manchester into the very streets of that town by means of a canal, a project which shows the foresight of the merchants of that town and their determination to make all they can out of their position. I can recollect myself quite a number of new ports in different parts of Great Britain which have sprung up, not exactly within my own recollection, but within my own knowledge. There is one immediately opposite Liverpool, on the Mersey and connected with that city within the last two or three years by a tunnel built under the river. There are several others in different parts of England,and notably amongst them there is the improvement in the navigation of the Clyde. I have lived amongst a colony of Sotchmen myself, and I have heard some of them describe how they forded the Clyde when the water at certain points would not take them above the waist. It can now be navigated by a large and heavy steamer. I know that some of the largest steamers afloat have been built in that harbour. My forefathers for generations were citizens of the city of Bristol. It is well known to hon. gentlemen that the first genuine attempt at trans-Atlantic navigation was made from that port by Bristol merchants, and they succeeded. But they were unable to keep their vessels on the service there because their river was crooked. It was hard for a modern steam vessel, of the great length that they began to build them in those days, to ascend that crooked river except at the top of high tide. The consequence was they had to anchor several miles down below, but this very deficiency in their port, which some attempts had been made to remedy, was losing them their business. The modern ship could not go up there. The consequence was that this old city, which had been second in importance in the Empire, was fast going to decay. The remedy the merchants of that town took was to adapt the port to modern circumstances, and companies were formed to build for them two new docks at the mouth of the river, where they avoided the crooks and turns of the navigation and had continuous deep water. I believe that the heaviest trans-Atlantic steamer afloat can go into these docks at all times and tides. I know myself that cargoes and ships from the Province to which I belong have been landed there in good condition. I remember as a school boy the locality that we called salt marshes, with no water at all on them except at high tide. Those have been excavated into magnificent docks, and entrance obtained to them from the river Mersey. Vessels get access to those new docks at all times, and I believe the lowest water is nineteen feet over the dock sill. Access is had to them by rail by tunnelling two or three miles through limestone rock. But these results, which everyone must admit are very important, have been accomplished without the expenditure of a dollar of public money. The whole of it was done by private enterprise, and the city has paid for them. That is enough to encourage any faint hearted gentleman with regard to the improvements which are proposed in Montreal. Those improvements made at Birkenhead, Bristol, and Liverpool, have been successful, and I do not think we have any cause to despair for the future of our Canadian port of the St. Lawrence.

The motion was agreed to and the Bill was read the third time and passed.

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE CANADIAN PACIFIC RAILWAY COMPANY BILL.

THIRD READING.

HON. MR. ABBOTT moved the House into Committee of the Whole on Bill (132) "An Act respecting a certain agreement made between the Government of Canada and the Canadian Pacific Railway Company."

He said—In moving that His Honor the Speaker leave the chair, I do so with a certain degree of embarrassment which I have not felt with regard to any other measure before this House, inasmuch as I am one of the directors of this railway company, and I mention the fact in order that hon. gentlemen may take what I say with all the modifications which they think would be justified by the fact that I hold that position. I believe that under the rules of the House I am entitled, although indirectly interested in this measure, to speak on it, but I certainly, whether debarred by the rules of the House or not, shall abstain from voting on it, as I have always done on every Bill connected with the Canadian Pacific Railway since the railway contract was presented to this House in 1880. But after premising that fact, in order that no one need attach any more importance to what I say than it deserves, I will proceed shortly to state what I know about this matter. I know I need not dilate upon it at any great length, for I presume that every hon. gentleman is as familiar with it as I am. It has been too much a subject of general discussion, both verbally and in the newspapers, to leave anyone in doubt as to the real character of the whole transaction, from the circumstances which originated or caused it, to the nature of the arrangements by which it is now before the House. Hon. gentlemen will remember that in the contract, which was made between certain gentlemen who afterwards became the Canadian Pacific Railway Company and the Government in 1880, there was a condition in these words :—

"For twenty years from the date hereof, no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway from any point at or near the Canadian Pacific Railway except such lines as shall run south-west or westward of south-west, nor to within fifteen miles of latitude 49, and in the establishment of any Province in the North-West Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of such period."

In addition to the fact of that stipulation being inserted in the contract, without which I can personally say the contract would never have been signed, and no such undertaking would have been entered upon by the gentlemen who signed it—it was understood at the time that it was the policy of the Government, as it was the policy of the preceding Government, to endeavor to preserve for Canadian ports, and Canada generally, the traffic of the North West. This traffic has attained dimensions that were not contemplated then as being likely to be reached in a great many years more than have elapsed since that contract was signed; because I fancy it was the general opinion of everybody, including Hon. Mr. Mackenzie, the premier of the Government at the time when the Government commenced this railway, that it would not be possible within ten years to get enough traffic within the country tapped by this Railway, to do more than cover its running expenses. I may say myself from personal knowledge of what took place when the contract was being made, that neither the Government nor the contractors had the least idea, that in the first place they could finish the road within the ten years, nor in the second place that for a certain time after they had finished it, the traffic would be more than sufficient to pay the expenses of running it. I state as a fact which I personally know that it was a subject of discussion at the time of the signing of the contract, how far, in the event of failure to complete the railway in ten years, after all the exertions that could possibly be applied to the enterprise—how far in that case the government would be disposed to extend the time of construction, and another frequent subject of discussion in other places, was as to the mode in which the running of the railway should be kept up during the time

it was asserted the traffic would be insufficient for that purpose, after it had been completed, and after the expiry of the ten years. But though no such traffic as has been reached was expected at the time, it was the policy of the Mackenzie government, as it was the policy of this government, to endeavor to preserve to Canada the traffic of the North-West, which this railway will bring down to old Canada; and by supporting Canadian trade, and thus protecting the numbers of people who are engaged in it, and by building up Canadian ports and increasing Canadian trade generally; the older portion of Canada, which, of course, was bearing the burden of the greater part of the aid given to this road, would be recouped to a certain extent for the expenditure creating that burden, by the benefit it would derive for its outlay. These were the circumstances under which this contract was signed, containing the clause which I have already read. The results have surprised and astonished everybody, and no one more than the contractors themselves—that is to say the company and the government and people of Canada. The road instead of not being completed within ten years was completed within six years. The traffic, instead of being insufficient to maintain the line after the expiry of ten years, has not only proved sufficient within six years to maintain it, but to pay the interest upon the charges upon the road; while a fund has been provided from which a small revenue has been given to the shareholders. And last year, notwithstanding the unprecedented difficulties which were encountered by the road in consequence of the winter of 1886-7 being the most severe that had been previously experienced for twenty years—notwithstanding that the company were not altogether prepared in the mountains to protect themselves against the enormous snow fall and the slides which this snowfall involved, and in consequence of which enormous expense was incurred in protecting and clearing the road, and keeping it in operation without much material interruption—expenses so great that in one month the road was actually run at a loss although the receipts were very large — notwithstanding all that, the road last year paid the interest on all its outstanding debt, and realized a surplus of $256,000. This year the traffic so far has been at an average rate of over $200,000 a month more than it was last year, and therefore the proportion of net revenue or profit required to pay the interest upon its bonded debt is assured; and that the prospect of also realizing from these profits dividends upon its stock within some near period, is promising for the Company, and in fact I may say that we may rely upon its being realized. I make these statements to show that the Company itself is now in a position, to keep up its credit, by paying the interest upon its bonded debt, and upon its debenture stock, and to realize a fair margin. The intention now is to improve the line and its plant; and thereby to make sure of retaining the trade it was intended it should retain; and by that means, it will, I think, prove a benefit to the country, much greater than was originally anticipated from it. The reputation of the country has been enhanced by it. The knowledge of Canada has been increased by it over the world, and it is gradually being realized in Europe that we have now a highway across the continent to the eastern dominions of the empire, entirely over British territory; and in that way, it is not only an enormous highway of traffic across the continent; but it is one of great national importance to the empire as a means of communication from one portion of it to another in the event of war. Now, this clause in the contract and the policy of the Government with regard to inter-provincial trade, caused as everybody knows, a vast amount of excitement in the Province of Manitoba. This was, probably, to a large extent, the work of agitators and politicians. I have no hesitation in saying that the exaggerated statements which were published and circulated in every direction, were in a very material degree prompted by hostility to the Government, and to the railway, not so much *per se*, as under the supposition that an injury to the railway would be an injury to the Government. At the same time whatever might have been the cause of this agitation and of the feelings which it produced, the feel-

ing existed : and the people of Manitoba had evidently made up their mind that they would have, by some means or another, railway communication south with the American system of railways—that they would destroy what they call this monopoly—that they would absolutely destroy the effect of the clause which I have read, and which forms an essential part of the contract between the country and the Canadian Pacific Railway and that they would force the Government, if they could possibly do so, to relinquish a policy which they had, as I think for the advantage of all Canada, entered upon, and which would have been carried out had it been practicable to do so without something which almost approached a convulsion in the Province. The result of that agitation has been that the Government entered into negotiations with the Canadian Pacific Railway to abandon this clause of their contract to which they were so much entitled, as any man could be to property of his own ; and in the event of their being able to come to an understanding with the Canadian Pacific Railway Company, as to the terms upon which this clause of their contract would be abandoned, the government felt themselves disposed to relax the policy which they had had hitherto adhered to ; seeking at the same time however to find some means by which the traffic of the North-West would still be retained for our carrying trade, and by our seaports. The agreement which the government has signed, is an agreement formed with the view of attaining these objects. The relinquishment of the privileges which the company had the right to enjoy under this clause, was made the means of obtaining for the company financial assistance at a low rate of interest. The financial assistance which they wanted, more for this purpose than for any other—that is for the purpose of improving their line, of increasing their rolling stock, of creating additional protection for their lines through the difficult portions of its course through the mountains, and perfect its arrangement for steam communication between one point and another — these were the objects for which the Company desired to obtain financial assistance. Last session, or the session before last, Parliament authorized the Company to issue a mortgage upon its lands to the extent of $2 an acre, and this brings me to the subject of the security which this agreement contemplates. I may say however, that the assistance which this financial accomodation affords will enable the Company to borrow at a low rate of interest, sufficient to enable them to attain all these objects. They will be enabled to protect their line along its course in the mountains to the west, where the greatest difficulty in carrying traffic through the winter months prevails. It will enable them to improve their steam communication from one point to another : and increase their plant, and these improvements and others which will be made, will place them in a position to carry the products of the North West, with the magnitude of which they were to some extent embarrassed during the last winter—it will enable them to carry them safely and effectively and quickly from the place of production to the seaboard. In fact, it will enable them, they believe, and the Government believe, to defy the competition which may be raised by the construction of the line through southern Manitoba, by the abandonment by the Canadian Pacific Railway of the privileges under the contract; and the abandonment by the Government of its policy with regard to competing lines. What I have said, brings out in a clear light, the nature of the arrangement between the Government and the company. The Government undertake to guarantee the company's bonds for fifteen years, but undertake no guarantee upon the principal. The principal of the bonds must rest upon the security of the land ; but the Government guarantee the payment by the company of interest on the bonds, at the rate of three and a half per cent., which amounts to about $500,000 a year in round numbers. Now, the security which the company offer on those bonds, not only for the capital, but eventually also for the interest, consists of the remainder of the grant by the Government of land, in aid of the construction of this road, which is commonly known as the land grant, consisting of 25,000,000 acres. Of these 25,000,000 acres, the company have sold to

outsiders from three to four millions at the rate of about $3.12 per acre. The Government, under the authority of Parliament, having bought back from them about 6,000,000 acres at the rate of $1.50 per acre, which they accepted in part payment to the extent of $10,000,000 of the advance of $35,000,000, which they made under the authority of Parliament to the Company in 1885; and which has all been paid off by $25,000,000 in cash, and $10,000,000, by six million odd acres of this land at the rate of $1.50 per acre—a little less than one-half what the Company is selling its lands at. There remains about 14,900,000 acres, and in addition to that about $1,250,000 due to the Company for land sold. Upon this security there is still outstanding, a small portion of the issue of land grant bonds made by the Company at the commencement of its career. This issue was for $25,000,000. These bonds have all been redeemed or cancelled with the exception of about $3,400,000 in the hands of the public, leaving a charge upon these 14,900,000 acres independent of that now contemplated; and after deduction of the price of lands due the Company of about $29,200,000 of bonds. So that when this agreement is perfected and carried out under the authority of Parliament these 14,900,00 acres of land will be charged with a debt of $17,200,000, or in other words it will be charged with a debt to the extent of a fraction of under $1.16 per acre—that is to say a little more than one—third of the average price per acre at which the company has been selling these lands and considerably less than the price at which the government was authorized by this Parliament to take back those lands in payment of a proportion of the Company's debt. This is the security upon which these bonds will create a mortgage which will be a first mortgage except with respect to a small portion of the original land grant bonds, which are still a charge upon this road. Now what the company give in remuneration of the government and of the country, for this accommodation—for it is nothing more than an accommodation—is the relinquishment of the privilege which they had given them—practically the exclusive right to railway communication throughout the North West Territories for ten years from the completion of the date intended as the date of the completion of the road—or in other words for twenty years from the date of their contract. Only seven of those years have yet expired, so that practically the Company relinquish their exclusive privilege throughout this vast territory for thirteen years, in consideration of the Government undertaking to guarantee their payment of the interest on $15,000,000 of bonds, which are amply secured by the charge to be created to secure them on this 14,900,000 acres of land. That is the transaction which I now place before you, and which on behalf of the Government I ask you to approve. The object which is attained by the Government is, the pacification of this agitation, and freedom from all the restrictions which are imposed upon the country by this clause of the contract. In point of fact, as the Company contend, and I rather think the majority of this House will agree with it, the privileges are relinquished for nothing at all—that is to say, no consideration is given for this privilege, with the sole exception of the possibility of this Company obtaining money at a lower rate of interest than it would have done, had it been obliged to use its own credit in borrowing the sum required. That is the sole advantage which the company gets. It costs the country nothing, but the country gains much by it, since it gains the abolition of those restrictions; and I hope also the entire satisfaction of the province of Manitoba with the new state of things which will arise under this arrangement. I cannot say that the company are particularly dissatisfied with the arrangement, because they feel confident that the object of the government, and of the country, and their own object in building this road, that is to secure to this country and its carrying trade, the traffic of the North-West, will still be attained in consequence of the state of efficiency, of absolute perfection I might say, to which they will be able to bring their railway, and its carrying power, by means of the money which will be raised under this agreement, with the assistance of the guarantee of the government. So

that it is an agreement, which I think ought to be satisfactory to all the parties concerned, and if anybody is to be discontented with it, it is the company. Be that as it may, the company have agreed to it, the company have agreed to it as far as they can do without the sanction of Parliament, and it is that sanction which I am asking the House to give.

HON. MR. POWER—I do not rise for the purpose of opposing the Bill. If we had to say "Yes" or "No" to the Bill, I think that probably I should be disposed to say "Yes" rather than "No." At the same time, while the Bill may not be such a one as one would be disposed to reject altogether, I think that it is a bill which naturally justifies and invites criticism. I do not propose to find any fault with the Canadian Pacific Railway Company. I do not know any reason why I should. The Canadian Pacific Railway Company have had business transactions with the Government, and it has been the duty of the company to make the best terms they could with the Government; and I am bound to say that they have done their duty in that way pretty well. I think that, even in the present instance, although the leader of the House seems to think the Company have not made a good bargain, they have done fairly well, and he really does not feel dissatisfied at all. The hon. gentleman began by telling us that the trade of the North West had reached dimensions that were not anticipated in 1880-81 or about that time. Now, it seems to me that it was not very long after that time that I heard the leader of the Government in the Commons make it as clear to the House of Commons as anything could be made that, owing to the rapid development of Manitoba and the North West Territories, within the lapse of a very few years, not more years than have already elapsed. the sale of lands in that country would have repaid the money the Government were granting to the Canadian Pacific Railway Company. Then I remember the Rt. Hon. gentleman went on to give figures and tell us what population would be in that North West, at different periods; and if the prophecy made by the leader of the Government at that time had been fulfilled, we should have a very much larger population in the North West than we actually have and consequently a larger crop; so that I think the statement on which the hon. gentleman based the early part of his speech is hardly as accurate as might be expected.

The hon. gentlemen spoke as if there was no doubt whatever of the meaning of clause 15 of the old agreement between the Syndicate and the Government. Now I think that during the discussion of the original bill respecting the Canadian Pacific Railway Company, the Prime Minister declared that the Government could not check Manitoba.

HON. MR. ABBOTT—Neither could it under that contract. That is what I said: they could not make a contract checking Manitoba.

HON. MR. POWER—Consequently if the law of the Leader of the Government was good at that time this monopoly right, the relinquishment of which is made the consideration of a bargain with the Company, had no existence in Manitoba. At a later stage when the Company were getting an advance of $10,000,000, if I am not mistaken, the present Finance Minister said that as soon as the road was finished north of Lake Superior the Company would abandon this monopoly in Manitoba. I can only say that if the government's law was good at that time—if the company looked at the law as the government did—then the consideration for this agreement is not quite as great as the hon. gentleman has represented. However, the monopoly did exist actually, and was sustained by the government, notwithstanding the way in which leading members of the government has laid down the law and stated their policy.

Monopoly was there and was enforced rigorously; and I think it is worth a good deal to the North-West country to get rid of that monopoly. I am not disposed to say that the price to be paid is vastly too much. I do not believe myself that the monopoly should have existed, or that it had a legal existence, but that was the view taken by the government and by the company, and I think

that the price paid is possibly not too great. But there are other things besides. I take it that the country is paying a little more than what the hon. gentleman stated It is quite true that under this bill we are only asked to guarantee the interest for fifty years on fifteen millions of dollars, which practically means the guarantee of a payment of thirteen millions of dollars or thereabouts. We are not only doing that, but we are also assuming certain liabilities which were before borne by the city of Montreal or the harbor Commissioners of that city and by the harbor Commissioners or the corporation of the city of Quebec. I think there is not much doubt that the assumption of those liabilities was a portion of the arrangement, and that these sums are to be taken as part of the consideration. There are one or two further observations that I propose to make. In the schedule under clause 12 of this agreement we find that the Company are bound to expend the proceeds of the sale of the bonds they are to issue as stated in Schedule A. That schedule shows how the Company shall expend the proceeds of the bonds. It is a very important matter and the hon. gentleman has laid a good deal of stress upon it. It is as follows :—

SCHEDULE A.

Showing how the Company will expend the proceeds of the sale of bonds referred to in the annexed agreement:

1. On account of capital expenditure on main line between Quebec and Vancouver in buidlings of various kinds, snowsheds, sidings, permanent bridges, filling trestles, reducing grades and curves, and other improvements and facilities, and on vouchers and pay rolls	$5,498,000
2. For required rolling stock, locomotives, box cars, passenger cas, flat cars, tool cars, snow ploughs, etc...	5,250,000
3. For required improvements on the said main line, elevators, bridges, locomotive shops, filling trestles, sidings, docks, lake and coast steamers — the residue, whatever it may be, estimated at	4,252,000
	$15,000,000

Now, I submit, without meaning to reflect at all on the Minister of Justice, or the Minister of Railways, or whatever Minister represented the Government in making the bargain with the railway company, that the wording of that provision is not by any means as accurate as it ought to be. It does not go into sufficient detail, and if the House has no objection, I shall briefly state why I think so. The principal object of the constructing of this road and the incorporation of this company was to provide a first-class road for freight and passengers from Montreal to the Pacific Ocean. The company have made a very fair road and over most of the distance it is a first class road but there are two particulars in which the road is not now complete. I think that is generally admitted. In the first place the company made—as I think many engineers and men of judgment in such matters have stated—a great mistake in selecting the pass by which their road crosses through the Rocky Mountains. They selected a pass some 2,000 feet higher than one they might have got not far from it. Hon. gentlemen may smile : I am not speaking now on my own authority, but of what I have heard from engineers who are probably as good authorities as any engineers in Canada—men who would compare favorably with Major Rogers or any United States engineer we are likely to get. There are grades in the mountains, I understand, of over 200 feet to the mile. It was understood when the work was taken over from the Government that those grades were only temporary and that they would be reduced ultimately to grades not exceeding 116 feet to the mile.

HON. MR. VIDAL—Reducing the grades is one of the objects mentioned here.

HON. MR. POWER.—I have read that to the House already. It is most essential to the road that those grades should be reduced, at least as far as they can be. For commercial purposes these grades are almost prohibitory ; and the road can never be considered finished in a satisfactory way until those tremendous

grades are reduced to comparatively reasonable limits. I do not know what the Company have been doing in that particular neighbourhood during the last two years. It may be they are actually engaged now in reducing the grades; and what I was going to say is this:—the first clause of the schedule should have specified that particular work so that there could be no question that the grades to be reduced were the grades in the Rocky Mountains and the schedule should have set out the reduction that was to take place and the maximum grade that was to be allowed. Then unless I am mistaken, there is a good deal of trestle work on certains portions of the road between Sudbury and Winnipeg which might have been specified. I may say that this specification seems to be the more necessary, because a note is appended to the schedule which says that the expenditure on item three may increased, and for that purpose the expenditure on either of the other items may be reduced.

There is nothing there about reducing the grades; and the company are at liberty under this agreement to increase the expenditure under the third item to any amount that they please and to decrease the expenditure on the other items. In that respect, the Government have not, in my humble opinion, been as careful as they might have been in wording their agreement with the company. I hope that the company will deem it in their interest to cut down those grades in the mountains in the way I have indicated. Hon. gentlemen may smile at this.

HON. MR. ABBOTT—We are not smiling.

HON. MR. POWER—The hon. gentleman from Lunenburg, who is sometimes easily amused, smiles at the remark. One of the reasons why I think we ought to be careful in wording this agreement is that, unless I am very much mistaken, the Canadian Pacific Railway Company has departed very largely from the path that the Government at any rate thought it was going to travel when it was incorporated. This great company was incorporated in the session of 1880-81. Every one talked of it as a company which was going to own a road from Montreal to the Pacific. It was going to connect the Atlantic Ocean with the Pacific; and people at that day did not look upon the company as one which was going into the Provinces of Quebec and Ontario, and going to construct competing lines with the Grand Trunk Railway and other railways in that country. If any hon. gentleman will take the railway map he will find that everywhere in Quebec and Ontario where the Grand Trunk Railway have twenty miles of railway the Canadian Pacific Railway Company have a railway alongside of it.

HON. MR. MACINNES(Burlington)—The public interests do not suffer from that.

HON. MR. POWER—The public interests may suffer in a little while, if the Grand Trunk Railway Company, are driven into amalgamation by the competition. I say this company has developed into something that the country did not contemplate at the time it was incorporated. While it is very well for the company and their friends to say that the country has made a hard bargain with them and that the company have not made money out of it, people will enquire how it is that the Canadian Pacific Railway Company have been able to build lines all over the country and buy lines from other Companies to compete with a rival Company? My opinion is that large sums of money which should have been expended on the main line to make it complete under the terms of the agreement with the Government have been spent in putting the Company in a position to compete with other companies which do not receive such subsidies from the country as this railway has got. That is the reason why the Government ought to have been very careful in the wording of their last agreement with the Company. If the money which the Company expect to raise on this last guarantee is spent on the main line then there is no great reason to be dissatisfied; but I think there would be serious reason for dissatisfac-

tion if, instead of the money being spent where it is expected to be spent, it is used to enable the Company to compete at a greater advantage with companies who are receiving no aid from the Government.

HON. MR. KAULBACH—My hon. friend now poses as leader of the Opposition.

HON. MR. POWER—He does not pose as anything of the kind.

HON. MR. KAULBACH—On every subject that comes before us he thinks it necessary to criticise it and that adversely, if it comes from the Government. He seems to be a practical engineer and knows all about this railway, its curves, grades and branches. He criticises it, not only adversely, but as if some fools had undertaken it and placed the railway in such a position as to make it unprofitable. He seems to be entirely lost to a sense of the patience of this House. When he rises and speaks of a subject in the way he does, he would lead us to believe that he possesses all the wisdom and intelligence of the east, because on all subjects that come before us he poses in that way and no one dare say anything which conflicts with his views and sentiments. That is the position the hon. gentleman takes and has always taken in this House. If by that means he thinks he can give himself prominence, he can do so, but he must not use those sneers in which he sometimes indulges towards those who take a lower seat than that to which he has been aspiring during the short time he has been in Parliament. My hon. friend says that this bill imposes a heavy burden on the country: It does nothing of the kind. For everything we have spent, we have double and treble the value given to us in security. We know very well that were it not for this monopoly clause in the Pacific Railway Act, the road would never have been undertaken: there would never have been a contract entered into and, more than that, I believe that no capitalists would have gone into an undertaking of such gigantic importance. We know how easily an enterprise of the kind might, in its infancy, be killed off. We know that its enemies in Canada and out of Canada, would gladly have done anything to destroy the enterprise. The Pacific Railway Company have acted with a great deal of magnanimity in this matter. They did not approach the government asking favors, but have conceded a great right which they possessed and which they valued, in the first instance, as essential to their existence. The monopoly was never intended to be a permanent thing, but the railway company believe, that they can surrender this without any great loss to themselves, and that by perfecting their line and increasing their rolling stock and utilizing to a greater extent the lake navigation, they are strong enough to compete with any rival routes. I am glad that they feel themselves in a position to do that. I look upon this matter, instead of being injurious to Canada, as being a benefit to the Dominion. The company had thirteen more years of the monopoly, yet they feel strong enough to meet with all competitors already, and to command the great bulk of the carrying trade, not only of our North-West but of the North Western States, by their connection with the American lines at Sault Ste. Marie. My hon. friend condemns them for building and acquiring branches. I commend the Canadian Pacific Railway Company for being vigorous and strong enough to find feeders for their line. Would the trunk have been of any value at all without the feeders? It is essential to that line to have them. The through traffic of the Canadian Pacific Railway Company alone would never pay; it must be by its feeders that its success will be assured.

HON. MR. MACDONALD (Midland) When my hon. friend, the leader of the Government, spoke of himself as being one not at all familiar with figures, I thought he must have strangely declined and lost from what my own remembrances of him were, and as I listened to his exposition of this Bill, I fully felt, as I recognized then, that it was his modesty which led him to express himself in that way. When he had finished I am quite sure that the great majority of this

House would have been glad to have the power of dealing with financial matters that he possesses. Perhaps his suave way of putting the case has something to do with it, but most assuredly the hon. gentleman felt anxious to impress on the mind of this House that the Canadian Pacific Railway Company were really the parties who were conferring a great favor upon the Government. Now, I am not going to criticise the arrangement, because it possesses many excellent qualities, but I want this House to understand that the Canadian Pacific Railway Company have made a capital bargain, and I am not going to say that the Government have made a bad one. In the first place, the hon. gentleman was able to bring before this House to-night many statements that would be listened to, not only here, but will be read outside of this House with great satisfaction. It must indeed, be to everyone, a matter of comfort that a great national work like this, has so early developed the possibilities of being productive. There can be no doubt that whatever the arrangement may have been that was made in the first instance, as to the monopoly clause for a period of twenty years—whether that may have been disastrous to the country or not—the Canadian Pacific Railway Company had in that very bargain rights which could not be, and which ought not to be ignored—that when the period of relinquishment came to be considered they had to be honestly dealt with and estimated upon their worth. Now the hon. gentleman has told us that the results of it astonished everybody. That I say, in the first place, must be most gratifying that the traffic last year, as I understood the hon. gentleman to say, had been sufficient to pay the interest and provide a fund for payment to shareholders the last year and over and above that to lay aside a quarter of a million. I am free to confess, not having watched the operations of the company carefully that to me was a gratifying announcement, and again that the receipts of this year are $200,000 per month in excess of the receipts of the past year. Now I come to the consideration for the relinquishment of the rights which the company possess ; for that they stipulate with the Government that they shall pay an interest upon the bonds for a period of fifty years at three and a half per cent.

HON. MR. ABBOTT—They guarantee it only.

HON. MR. MACDONALD—Yes, but that is the amount, and in no case does the government guarantee the principal—the mortgage rests upon the land itself, and taking into consideration that lands have been sold by the company at about three dollars an acre, large portions of them, at least, the mortgage therefore on similar lands at $1.16 per acre appears to be a safe investment. But what I want to impress upon the House is simply this, that the company are themselves making a capital bargain. I think my hon. friend will admit that the Canadian Pacific Railway, even with land at that rate, could not by any possibility go into the money markets of the world and obtain the money that they want for those works at a lower rate of interest than five per cent. I do not think it is possible. I do not think that any capitalist on the face of the earth would look at it for less than that rate. Now I hold this in the first place, that by obtaining this money from the Government at three and a half per cent, they become possessed at once of an immense purchasing power that will enable them to compete with any corporation that is not at least as strong as this one and even such corporation would not like to run an uprofitable race with them. It puts them in the position to be able to buy all their supplies for cash and then, mark you hon. gentlemen, it involves a money consideration between the three and a half and five per cent over the period for which it extends of about a million and a quarter of money.

HON MR. MACDONALD (B. C) What is the discount for cash ?

HON. MR. MACDONALD (Midland) My hon. friend is asking what is the discount for cash : I do not think that he has noticed that he has raised a point which would make five per cent more, or in other words would bring the amount up to five millions.

HON. MR. MACDONALD (B. C.)—I want to help your argument.

HON. MR. MACDONALD (Midland)—The bargain is a splendid one for the Canadian Pacific Railway Company, and I sincerely hope it may be a first-rate bargain for the country. I trust that if this new amount guaranteed them be supplied to equip and run their road, if it is a power for good now, it will become a greater power for good in the future.

HON. MR. ALEXANDER—I simply desire to say one or two words. This proposal of the Canadian Pacific Railway Company to the Government is necessitated by the difficulties which have arisen in the Province of Manitoba. The people of Manitoba have been unanimous in expressing the view that they will have that monopoly removed and the question, as the hon. gentleman from Midland knows, is—should we allow a spirit of disaffection to exist in that great North-West? My own opinion is that we, from the very beginning, ought to have put the passenger and freight rates from Montreal to Winnipeg and Regina at the lowest figure possible, but having the road built by the Canadian Pacific Railway Company, we cannot afford to have disaffection exist in the North West, upon the developement of which the whole future of Canada depends. We have no other alternative. We have either to go on, or allow disaffection to exist which might break up the Confederation. As to this being a profitable arrangement with the Canadian Pacific Railway, the Canadian Pacific Railway Company cannot exist without it, and the country will sustain the Government in acceding to this proposition.

HON. MR. SANFORD—I do not propose to occupy the time of the House, but the remarks of the hon. gentleman from Midland surprise me very much. When I read the agreement, as published in the daily press, I must say that I was overcome with astonishment that the heads of that great railway should have entered into an agreement which appeared to me to be so greatly to their disadvantage. I have had occasion to see the immensity of that country and the magnitude of the business which must, at a very early day, be developed there, and which is being developed to-day: and the fact that the contract entered into which would control that business for the next 20 years is to be given away for a simple guarantee of about less than half a million a year, was a matter of very great surprise to me and I could only see in it that those gentlemen feel that in the interest of the country at large they were led to make a concession which was not in their own interest. I should rather have the control of that trade, as those gentlemen possessed it at the time the contract was in force, than five times the amount which the Government are pledged to by this bill.

HON. MR. MACDONALD (Midland).—The hon. gentleman realizes that about eight years of the period has elapsed?

HON. MR. SANFORD.—Thirteen years of monopoly The developement of the business for the past year indicated what that developement will be from year to year during the coming thirteen years, something that will be immense, something that will tax to the utmost the efforts of any railway to meet the necessities of the trade, and this for a consideration of what? A guarantee, a large portion of which guarantee the Government have in their own hands, which they will have by right, and for this they give a franchise which is of immense value, as any one who is thoroughly conversant with the advantages of having control of a business without opposition can fully appreciate. I consider that the Government have made a most magnificent bargain, an immense transaction, and I cannot at all understand why the Canadian Pacific Railway Company would accept an agreement which is so greatly to their disadvantage.

The House resolved itself into Committee of the whole on the Bill.

In the Committee,

On the third clause.

HON. MR. ABBOTT said—This is one of the clauses on which I remarked in my opening address some amendment would be required. It will be observed by reading the agreement, that the Government undertook to place before Parliament during this session, an Act which will confirm this agreement, and which will authorize the company to do what the agreement says it shall do. Hon. gentlemen will perceive that some of the acts which the company are to perform under this agreement, are not authorized by the charter as it stands, and therefore the Government by one of those clauses indicates that the company shall have authority to do these things. Clause 3 provides that the Government of Canada

May guarantee the payment of interest, until maturity, at three and one-half per cent. per annum on bonds of the company, issued to an amount not exceeding fifteen millions of dollars, or its equivalent in sterling money.

I propose to add to that a clause authorizing it to create a mortgage securing the bonds. Thus in Page 1, line 30 :—

After "Act" insert "The company being hereby empowered to create the mortgage referred to in such agreement, the form of it to be first approved by the Governor in Council, and the guarantee may be evidenced in such manner as the Government and the company may agree upon."

I moved that amendment, Mr. Chairman, as simply being the means of implementing the agreement. I would like while I am on my feet to say a word or two in answer to the remarks of my hon. friend from Halifax in reference to the Bill, and in which he embodied what is a general belief and impression with regard to this company. I feel that we owe to the hon. gentleman an acknowledgement for the fair and moderate and candid way in which he discusses this transaction, and I am perfectly satisfied that he will be as pleased to receive from me the statement of the actual facts, as I shall be to have them laid in this way before the public. I do not propose to enter upon the criticisms of my hon. friend with regard to many previous statements respecting the railway policy of the Government, which refer more to political matters than to matters of business in connection with this agreement. I am quite satisfied that my hon. friend shall have all the advantages from these criticisms for which there is proper foundation, but I do not consider them of special importance with regard to the agreement itself, and therefore I shall not trouble the House by reference to that subject. My hon. friend spoke of the grades, and in connection with the grades, he spoke of the liberty which is given to the company in the third sub-section of the schedule, to increase the amount which it may appropriate to the items mentioned in that third sub-section at the expense of those mentioned in the two previous sub-sections. I would like to set my hon. friend right about the grades. There is only one point in the road, some seven or eight or at most nine miles long, where a grade exists that is higher than the grade which we all desire shall not be exceeded. In fact all the other grades on the road are below that, which by the standard fixed by the charter the company is entitled to adopt if it chooses to do so. At this one point in the mountains there is a small portion of the road, the grade on which ought to be lowered; and in taking over the road from the Company the Government stipulated that that grade, whenever the exigencies of the business shall require it, should be reduced, and they reserved in their hands security to the amount of $1,000,000, as a guarantee that it would be reduced when the time arrived. I would like my hon. friend to understand and the House and this country to understand, that so far from there being any number of grades in the Mountains which require such amelioration, there is only one grade, a short grade, in that condition, and I will tell my hon. friend that if he has gone over the line, I am perfectly satisfied he cannot specify, the place where it exists. I venture to say that no hon. gentleman who is not an engineer would discover on going over it, that there is any grade on it higher than the ordinary standard unless he is told. And there is no such grade as causes any difficulty whatever in crossing it. I would call my hon. friends attention to this also, that that portion of the road is the least travelled portion of the entire Canadian Pacific Railway. To take the money that would be required for the purposes

specified in the third clause of the section which we are to pass—which are purposes intended to facilitate the passenger traffic and the performance of the obligations of the road towards the public—to starve those portions of the road at the expense of a grade in the Rocky Mountains which does not impede the traffic, would be an imprudent thing to do, and I am sure it is one which my hon. friend himself, when he sees the bearing of this portion of the agreement, would discourage and would disapprove of. There is one other correction I wish to make, in order that it should have some publicity. My hon. friend I am sure will be pleased to learn it, and I wish it to be known to the hon. gentleman, to the House, and to the public. He says this Company has departed largely from the path it was expected to follow; and that it has extended its line to every part of Ontario and Quebec, through which the Grand Trunk Railway has a line. I am happy to be able to say to my hon. friend, that there are a great many places to which the Grand Trunk Railway does not extend where the Canadian Pacific Railway does; but the object of its extensions is not, as one might infer the hon. gentleman believes, to create a special local rivalry with the Grand Trunk Railway. No one who is acquainted with railway enterprise would expect that a Company like this, having for its main line a railway nearly 2,800 miles long; from Nipissing to the Pacific, say 3000 miles from Montreal to the Pacific—would be content to rest with the traffic it could pick up along its route, that route lying outside of the main artery of the trade of the Dominion. Whence does the traffic come to be carried across the continent? Why, largely from this end of the line. We import in a large proportion the goods carried for the population of the Provinces through which it passes. From Montreal to Ottawa of course there is a population creating a local traffic, but when you get beyond Ottawa a short distance, for a eleven hundred miles there is scarcely any population at all, the traffic for which must depend on this portion of the road, and what is derived from the Lower Provinces. How is it to get it? It could not expect to get it from the Grand Trunk Railway, because that road has connections of its own, extending westward to St. Paul and Minneapolis, and it connects also with the Northern Pacific Road, and with other roads extending west from Chicago; and those roads to-day carry the traffic it transmits to them from this country. It is a maxim with railway management that the further the traffic can be carried on the road the better for the company; and it would be for the interest of the Grand Trunk Railway and every company having traffic, to carry that traffic to its own connections as far as it possibly can, and share with them the profits of that traffic; and not carry that traffic to rival roads and contribute to their profits. The consequence of the position which the Canadian Pacific Railway occupies with regard to other railways, is that in addition to building its main line it has been obliged to acquire branches and extensions wherever traffic is obtainable; to extend its tentacles in every direction to draw towards it traffic, both in freight and passengers and to increase its business over its main line. I see my hon. friend smiles at my simile, and it may be open to misconstruction; but it is a fact that the Canadian Pacific Railway, in making these branches and extending itself through Ontario and down to the Lower Provinces and Quebec, is endeavoring to collect and draw together traffic, to be carried across the continent, and thus to feed the main line, on parts of which little traffic exists. It happens that the Grand Trunk Railway, in pursuance of the same policy, has extended itself into the same areas, but it is traffic, and not injury to that railway, which the Canadian Pacific Railway Company seeks. But my hon. friend says, if the Canadian Pacific Railway had spent the money which it has spent on these lines, in improving its own line, it would have been put to better use; and I think I understood him to mean that it would have better performed its duty towards the public, considering the assistance it has received from the public. I think on that subject also I would like to have a word go forth to my hon. friend and to the public. The obligation of the Canadian Pacific Railway was to build a road across the continent and that they

have done. They have built it much better than the standard which the contract fixed for it. They have completed it in half the time within which they undertook to complete it. They have received from the government the price which the contract specified, and they have received nothing more. The government have assisted them from time to time, but they fortunately have been able to repay the government that assistance, and at this moment they do not owe the government one dollar. Every obligation which they assumed towards the government and the country, was met when they built the road across the continent. There is nothing in the obligation they assumed, to prevent them from extending that road to gather traffic through the rest of the Dominion as far as they are able, and in doing so they have used funds which have been obtained on the security of those extensions themselves. The Ontario and Quebec railway has been built with the proceeds of debenture stock secured on the road together with the ordinary stock, paid for by individuals out of their own pockets —that road has been built entirely from the monies derivable from the security afforded by the value of its own assets. All the other roads which were acquired for the same purpose were in like manner acquired with money raised on them, and not one dollar ever went into these enterprises, which there was any obligation of the company to expend on the Canadian Pacific Railway. So also with the branches which have been constructed. They were built on securities which were floated on those extensions; and the record showing what those securities were, would satisfy my hon. friend that the funds so raised were amply sufficient to do what I say they did do—to furnish the means to construct, or to buy, these branches of the Canadian Pacific Railway. These are the two points on which I wished to say a word or two, in order that if possible the public might obtain a knowledge of the true state of those two questions; about which I venture to say more misconception has arisen throughout the Dominion, than upon any other question of equal magnitude that I know.

The amendment was agreed to.

On clause four.

HON. MR. MACDONALD (Midland) —I wish to correct myself in the remark I made on this clause. I made a calculation and saw my error, though the leader of the Government did not consider it his duty to call my attention to it. The money saved, I claimed would be $1,250,000. Now I wish to say that I intended to say it is $11,250,000, that being the difference on the interest between 3½ and 5 per cent. on $15,000,000 for 50 years.

HON. MR. SMITH—Per annum.

HON. MR. MACDONALD (Midland) —No, it is not per annum. He smiled at my ignorance in putting the thing, but it does not alter the fact that it does not cost us any more. I merely want to put myself right with the House in stating what I now do, that the Company have made a capital bargain.

HON. MR. ABBOTT—I am quite willing that my hon. friend should think the Company have made a good bargain. I think the Government have made a good bargain, and if both parties are satisfied, it is evidently an excellent arrangement. But the saving is not as much the hon. gentleman supposes. I have no doubt the Company could borrow money at less than five per cent. Its present five per cent securities are worth 109 to 110. I do not think they could borrow money at three and a half per cent. but the principle on which the hon. gentleman spoke is perfectly correct. No doubt they will make a saving in the per centage of interest which the loan will cost them, and that saving will amount in fifty years to a considerable amount of money; just as the small indemnity which the hon. gentleman gets and I get for attending this House, will amount to a considerable sum in fifty years.

HON. MR. POWER—The hon. gentleman said there was only one place where the grade of this road exceeded the grade which was allowed by the contract. I did know at one time what that grade was; but I have

forgotten. My recollection is that it was the grade of the Union Pacific. What is the highest grade on that road ?

HON. MR. ABBOTT.—I cannot tell in feet what the highest grade on that road is. I am not an engineer, but I do not think this grade of which my hon. friend speaks is as steep as some grades of the Union Pacific. There is no doubt that this grade is higher than the standard fixed by the charter.

HON. MR. POWER.—I am very sorry that the hon. gentleman from New Westminster is not here, for the hon. gentleman from Victoria has failed to take up the cudgels for British Columbia; and the hon. gentleman from New Westminster would have done so. I can hardly realize the feelings of the hon. gentleman from Victoria if he was listening to the leader of the House when he spoke of the traffic which comes from British Columbia as being comparatively unimportant. We were told some time ago that that was most important, and that the most important traffic that we were to have over this road was the traffic from China and Japan. Surely this grade of 200 feet will be a very serious obstacle to that business ; and the hon. gentleman talked about the business of British Columbia, China and Japan, as though it did not "amount to a hill of beans," and the hon. gentleman from Victoria did not say a word.

HON. MR. ABBOTT—I did not make that statement. I said the greater proportion of the traffic which this road brought down to the seaboard came from this side of the mountains. I have no doubt the hon. gentleman is right in saying we expected originally that the greatest amount of traffic would be through traffic. We did not expect this enormous amount of traffic from the North-West. No one expected it. I doubt if the most sanguine supporter of the enterprise ever realized that the amount of grain and produce which have been raised this last year, could have been surmised so early in the history of the railway—three years before the time at which the work was to have been finished under the contract. I was far from depreciating the traffic that was to come from British Clumbia. I merely said that the greater portion of our traffic at present, comes from the plains.

The clause was agreed to.

On the seventh clause.

HON. MR. ABBOTT—After clause seven there is a vacancy. Two clauses of the agreement are entirely left out and I would ask the Committee to be allowed to place them in the bill where they should be. I propose to place them in the bill exactly word for word as they are in the agreement as clauses eight and nine, Then there is another clause after clause ten, which is taken verbatim from the agreement. It is clause fourteen in the agreement. This confirms the creation of a new jurisdiction of the Supreme Court, and it is only to avoid any doubt as to that jurisdiction that the amendment is made. There is a condition of the agreement which I think is very important and which I omitted to mention. I wish to be fully in the confidence of everybody with regard to this arrangement. It is that the proceeds of the lands as they are sold, are handed from time to time to the government, to constitute a fund which the government will hold for the redemption of the bonds.

HON. MR. MCINNES, from the committee, reported the bill with certain amendments, which were concurred in.

HON. MR. ABBOTT moved the third reading of the bill.

HON. MR. POWER—I would ask the hon. gentleman to allow the third reading to stand over until to-morrow.

HON. MR. ABBOTT—My hon. friend will see that the other House will only probably sit on Saturday and it is important that the bill should take its final stage to-day.

The motion was agreed to, and the bill was read the third time and passed.

BILL INTRODUCED.

Bill (116) "An Act to amend the Civil Service Act, Chapter 17 of the Revised Statutes of Canada. Mr. (Abbott).

The Senate adjourned at 11.07 p. m.

THE SENATE.

Ottawa, Friday, May 18th, 1888.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

MIDDLETON DIVORCE BILL.

REPORT OF THE COMMITTEE PRESENTED.

HON. MR. DICKEY, from the Divorce Committee, to whom was referred Bill (K) "An Act for the relief of William Henry Middleton," presented their first report.

He said—This Report is one which, I think, will, greatly relieve the House, since it recommends that the further consideration of the case be deferred until next year. At this very late period of the session we find it utterly impossible to take up the case.

HON. MR. MILLER—The report recommends that the proceedings be continued until next session. It is something new, though it is stated that there has been a precedent for it in the Campbell Divorce Case: still I doubt very much if we have the power. I would not like to express an opinion too confidently upon it without looking into the authorities. A new Committee will have to take it up next year I fancy, and they will have to begin at the very beginning.

HON. MR. DICKEY—No evidence has been taken.

HON. MR. MILLER—But all the initiatory steps will have to be repeated next Session. A Bill having been read the first time in the House and referred to the Committee, unless it is reported back to the House, must drop. I know of no instance where a private or a public bill has gone through some of its stages one session and the remaining stages at a subsequent session. I do not think we can have the power of continuing bills from session to session without an Act of Parliament. If we have the power it ought to be known.

HON. MR. KAULBACH—The report ought to be allowed to stand over until to-morrow. I think we have some cases which will sustain the view that the recommendation is a proper one.

HON. MR. ABBOTT—I understand there is a precedent for this, but it will be well to look into the matter carefully before we adopt the report.

HON. MR. MILLER—I think so. If I had not taken exception to the adoption of the report now, it might have been adopted to-day. I do not think the precedent which has been referred to is entitled to much consideration, particularly as it is only a recent one; if it is wrong it should not be followed.

SATURDAY SITTINGS.

MOTION.

HON. MR. ABBOTT moved

That when this House adjourns to-day, it do stand adjourned until to morrow Saturday, the 19th inst., at two o'clock in the afternoon, and that there be two distinct sittings of the House—one from two to six o'clock, p.m., unless the House be sooner adjourned, and another at half-past seven o'clock, p.m.

The motion was agreed to.

DEPARTURE OF LORD AND LADY LANSDOWNE.

MOTION.

HON. MR. ABBOTT moved

That an humble Address be presented to His Excellency the Governor-General of Canada upon the occasion of his approaching departure from Canada, to the following effect:—

To His Excellency :—

The Most Honorable Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, in the County of Somerset, Earl of Wycombe, of Chipping-Wycombe, in the County of Bucks, Viscount Caln and Calnstone in the County of Wilts, and Lord Wycombe, Baron of Chipping-Wycombe, in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, in the Peerage of Ireland; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor-General of Canada.

May it Please Your Excellency :—

We, Her Majesty's dutiful and loyal subjects, the Senate and House of Commons of Canada, in parliament assembled, desire respectfully to assure Your Excellency of the sincere regret, of ourselves and of the Canadian people, at the termination of Your Excellency's official connection with Canada, and at the approaching departure of yourself and your distinguished consort.

We also beg to assure Your Excellency that the Canadian people have regarded with high appreciation your presiding care over the affairs of this Dominion, as Her Majesty's representative; and gratefully recognize Your Excellency's active interest in the constitutional and material progress of this country.

We shall remember with gratification that Your Excellency has been happily enabled to fulfil the hope expressed in the earliest of your public addresses, that you might be the first Governor General to cross the entire breadth of the Dominion by the Canadian Pacific Railway; and we shall always refer with pleasure to Your Excellency's eloquent utterances on that occasion, bearing witness to the importance of that great work, as opening up to the influences of civilization our vast unsettled and fertile territories; and as creating a new highway, upon British territory, between the eastern and western portions of the Britsh Empire.

Our recognition of the important services which Your Excellency has rendered to this country would be imperfect were we to omit the acknowledgment of the deep and practical interest which Your Excellency has taken in the literature, art and science of the Dominion, its educational institutions and learned societies; and in all the more ennobling elements of civilization which teach us rightly to develop and use the vast resources with which we have been endowed. The aid and concurrence, in this particular, of Her Excellency the Marchioness of Lansdowne has been marked and beneficial; and Her Excellency's name will long be associated in the minds of our people with all that is dignified in a public career, all that is gracious in private life.

In assuming, at the command of Her Gracious Majesty, the high position of Governor-General of Her Majesty's Dominions in British North America, Your Excellency brought with you historic traditions connecting your name with the fortunes of this continent in the past century. And we venture to hope that in Your Excellency, Canada has secured a friend who, enjoying the confidence of the Crown, and participating in the councils of Imperial Statesmen, will aid in guiding our destiny, and guarding our interests.

Our regret at Your Excellency's departure is tempered by the reflection that Your Excellency goes to occupy a more brilliant position, a wider field for your high administrative abilities than this country affords, in undertaking at the command of the Empress of India, to represent as Her Viceroy, Her authority over Her Oriental subjects, Your Excellency will be continuing the traditional care of our House for their elevation and advancement.

In bidding farewell to Your Excellency we beg to assure you and Her Excellency the Marchioness of Lansdowne, that you are followed by our warmest wishes for your welfare and that of your family.

And we beg Your Excellency to convey to Her Most Gracious Majesty the assurance of our unaltered devotion, and of our loyal wishes for the stability of the Throne, and the safety and prosperity of the Empire.

He said—In rising to move this Address to His Excellency, I can only say that I feel that it very insufficiently expresses the feeling of the House and of the country on the occasion of His Excellency's departure. During his residence amongst us, he has earned our sincere respect and attachment, as well by his active interest in all public affairs, as by his munificent hospitality, and by the frank and kindly intercourse to which all have been admitted. Our official records bear testimony to his thorough knowledge of our affairs, our wants, and our difficulties; and his correspondence, and other official utterances have been frequently referred to in debate in this House and in the other Chamber, in discussing, particularly during the present Session, some of the most important matters that have come before us. We are reminded in this Address incidentally of the traditional connection of His Excellency's family with this country. We, no doubt, remember the interest which his great ancestor, Lord Shelburne, took in the pacification of the strife between the mother country and

the revolted colonies, in which he not only showed a deep interest, but in which he took steps which would have tended, had they been successful, to draw closer the bonds between the mother country and the thirteen colonies, than the treaty which was subsequently made, actually effected. In moving the Address, I could not abstain from referring also to Her Excellency the Marchioness of Lansdowne. I am sure there is no one in this country who will fail to remember her gracious hospitality, her kindness, and urbanity in dispensing it, and her sympathy with all kinds of distress. We have had several notable instances of that, to which I will not particularly refer, but they have endeared her to the hearts of the people of this country, who know of them and appreciate them, and Her Excellency will long be regretted by the people of this country. In leaving us, we feel that it is an honor to us, and a source of gratification, that His Excellency is removed to a broader and wider sphere of action, and in this also there is a curious historical similarity between India and America. His grandfather, then Marquis of Lansdowne, was considered to be the best informed man in England on the subject of India, and that opinion was expressed of him by Mr. Macaulay, who certainly was thoroughly competent to form an opinion about India and of Indian affairs. He is therefore continuing the traditional interest and care of his house in respect of India as, in coming to Canada, he was continuing that traditional care and interest in respect of the possessions of the Empire in America. In leaving us, we can only hope for his success in India—that he shall succeed there as he has done here, in proving his capacity as a statesman, and in winning the hearts of the people; we shall certainly follow him and his distinguished consort and family with our best wishes for their success and welfare, wherever they may go.

HON. MR. SCOTT—I am glad the opportunity has been afforded me of seconding the motion made by the hon. gentleman who represents the Government in this Chamber for the adoption of the address to be presented to His Excellency by both Houses of Parliament on the eve of his departure from Canada. When, in 1883, it was announced that Lord Lansdowne was to be our next Governor General, I remember very well the Marquis of Lorne, speaking at that time of the high qualifications possessed by His Excellency for the distinguished position he had been called upon to fill, describing Lord Lansdowne then as the cultured gentleman, the statesman of broad and liberal views and as one of the most polished and eloquent speakers in the House of Lords. The predictions of the Marquis of Lorne have been fully realized and his views would now be shared in, not only by the two Houses of Parliament, but I think by the great majority of the people of Canada. Soon after the arrival of His Excellency in Canada he took the best methods for learning the views and opinions of the people over whom he was called upon to preside. He was a constant attendant at all important gatherings of the people, not alone presiding as the honorary head of the Royal Society, but taking part also in the various conferences at the Universities through the country, offering prizes for proficiency at the different leading schools of the Dominion, and in that way stimulating the intellectual life of the rising generation. But he also took a very warm interest in the more material events that were transpiring by attending the different exhibitions where he met the farmers and manufacturers of this country. In that way he learned to estimate fairly and truly, the life, the hopes, the aims and ambitions of the Canadian people. During his term of office the current of political events has run very smoothly and without much friction. I venture however, to say—and I think that opinion is shared in by all those who hold the political views that I do—that had His Excellency been called upon at any time—had circumstances required it—he would have been as fair an interpreter of the constitution under which we live as have been any of his predecessors—that he might safely have been entrusted by the two great political parties so to adjust the balance between them that there would have been no friction and

no reflection on the course he would have thought proper to pursue. I think no higher compliment could be paid to anyone in the position he holds than to say that that sentiment is universal throughout Canada. The Address pays a well deserved tribute to Her Excellency the Marchioness of Lansdowne. She has won the esteem and respect of all those who have had the good fortune to know her, and I venture to say that her new friends in India, when they come to know her, will feel that that eulogy which hon. gentlemen have no doubt seen, pronounced two months ago by Lord Dufferin at one of the gatherings in India in which he drew a picture of the fair lady who was so soon to preside in that position in India, was not exaggerated or overdrawn. They will find all that Lord Dufferin described Lady Lansdowne to be fully realized when they come to know her. His Excellency has been a close observer of the events which have been transpiring in this country. He has kept well abreast of the public life of Canada. The public utterances of our public men are frank and candid, our press is free, and it speaks usually the sentiments of the people. His Excellency has learned through those channels, and through other opportunities that are afforded him, the true sentiments of the people of the Dominion, and it will be a proud gratification for His Excellency, when a few months hence he is handing to Her Majesty the stewardship with which she entrusted him in 1883, to preside over one of the principal dependecies of the British Crown—it will be a proud gratification for him to assure Her Majesty that he leaves the Canadian people, as he found them, loyal to the Throne of England, and attached to the person of Her Majesty: that as Canadians they will remember the sacrifices made by their ancesters, the United Empire Loyalists, the men who relinquished their fair farms in the valley of the Mohawk and on the banks of the Hudson to seek homes on the shores of the St. Lawrence and in the provinces down by the sea. He will be able to tell Her Majesty that the same sentiments that filled the breasts of those brave men who preferred to stand by the Crown of England to casting in their lot with the American States, prevail to-day in the breast of the vast majority of the Canadian people, not only amongst those who speak the English language, but amongst those who are descended from the French colonists. He will be able to assure Her Majesty that he leaves a loyal and contented people, and though some of us may not favor Imperial Federation as the best political status for Canada to enjoy, and though others of us may be in favor of freer trade relations with the United States just as England is in favor of freer trade relations with France and other countries in Europe, yet, while we hold those views, they in no way impair our allegiance to the Throne and that the great hope and desire of the Canadian people—at least of the vast majority of them is, to remain in close alliance with the British Empire. (Cheers)

Hon. Mr. DICKEY—I rise to express my hearty and cordial concurrence in this Address and in the sentiments expressed by the hon. mover and seconder of it. I may be pardoned for stating that when the apointment of Lord Lorne's successor was announced, I took a personal interest, in it for a reason which the House will perhaps permit me to state: I was one of the few persons who had the privilege of listening to Lord Lansdowne in his place in the House of Lords before he came to this country, and on that occasion, which occurred several years ago, when he broke off his connection with Mr. Gladstone on the great question of the Land Act for Ireland, I formed an opinion that in him I recognized one of the foremost among the rising young statesmen of England, an opinion which his subsequent career has amply confirmed. The Governor-General's term of office has covered a critical epoch in the history of Canada, but, I think we must all admit that, whether in the unfortunate events of the North-West rebellion, or the equally regrettable disputes about the fisheries in 1886 and 1887, which led up to the adoption of the second Washington Treaty, Lord Lansdowne has always shown a disposition to safeguard the interests of Canada.

The data for forming an opinion on the first point must necessarily be incomplete, but with regard to the others, I think the correspondence of His Excellency with the Government of England and with the British Minister at Washington, now on our table, affords abundant evidence that His Excellency was at all times, and sometimes, even in the absence of his Ministers, ready to protect and to defend the honor and the interests of Canada, as well as the empire of which it forms an integral part. In regard to the sympathy and support which have always been extended by His Excellency and by his accomplished consort to the great questions of education, of arts, and of other matters which interest the people of this country, and which relate to its progress and prosperity, we have the same evidence that we had with regard to his public administration. In reference to the social matters that have been spoken of, we find that His Excellency has always been ably and well supported by his distinguished lady—every inch a lady—who has shown a disposition to support every movement that could advance the interests and the progress of the country so far as her limits allowed, and has by her grace of manner and winning ways endeared herself to the hearts of all. I do not wish to take up time in enlarging upon other subjects which have already been so well spoken to, but in closing those few observations I merely wish to give utterance to the setiment that I trust will commend itself to every one, which is this: That we may hope when the future Viceroy of India leaves the vice-regal chair at Calcutta in returning to England, he will turn his face towards the rising sun from the orient and will by our occidental line pass over this wide continent again and once more give us an opportunity of saying good-bye to His Excellency and Lady Lansdowne after they have completed the circle of the world wide dominions of Her Majesty on which it has truly been said the sun never sets.

HON. MR. PELLITIER—I must cordially endorse all that has been said by the hon. gentlemen who have preceeded me and all that is so well expressed in this Address. I will not undertake to say anything to eulogize the noble Lord, whose departure we all regret. It has been done in more eloquent words than I could employ, and the choice made by Her Majesty to occupy so important a position as that of Governor General of Canada, and the still higher position he is called to fill in India, shows more than I could express here to-day, that his eminent qualities were appreciated long ago. However, I would fail in my duty to my fellow countrymen in the Province of Quebec if I remained silent under the circumstances. I hope for the past few years in Canada His Excellency has been able to convince himself, and will be able to tell once more to Her Majesty, that amongst her most loyal and devoted subjects here the French Canadians are proud to be, and they are grateful for the kindness they have always received from Her representatives in Canada. In making these few remarks I desire to couple the beloved and respected name of Her Excellency Lady Lansdowne. By her rare affability and kindness of heart she has endeared herself to all with whom she has come in contact. It was my good fortune to be one of those who first welcomed their Excellencies when they landed on Canadian soil at Quebec. I hope it will also be my good fortune, though regretting very much to see them go, to be present and bid them good-bye when they leave our shores on the 24th of May from our port. For four years every summer the Province of Quebec has been honored by their Excellencies, who have resided there for several months. Their presence has been greatly appreciated: next summer their absence will be sincerely regretted. Their Excellencies knew they were safe in the citadel; and they must have felt that they were as safe in the hearts of the people as in the old rock at Quebec. May our wishes accompany them in their journey and throughout their lives.

HON. MR. ALEXANDER—I do not feel that upon this occasion, of the departure of their Excellencies, the Governor-General and Lady Lansdowne, we should be satisfied with the use of mere

stereotyped expressions as to the manner in which they have discharged the ordinary duties of their distinguished position. They have visited all our educational institutions—have promoted the arts and sciences and fostered the success of all our best institutions—they have discharged all their duties faithfully and well. But their sojourn amongst us, has conferred other benefits, to which it is proper we should refer. The presence of their Excellencies during the last four years must prove of inestimable value to the social and political life of this young country. We have had in our midst one of the most honored statesmen of the Imperial Parliament, while, in Her Excellency, we recognize the daughter of one of the most honored Irish land owners—the Duke of Abercorn. Coming amongst us, as they have done with all the historic traditions and rank, of a most ancient family, they have ever manifested at Rideau, the same charming Christian simplicity of manner, placing everyone entirely at his ease, and winning the hearts of all their guests. Who can ever forget the great social gathering which recently took place at Rideau Hall, when the noble Marquis and Lady Lansdowne were the most approachable of those assembled, dispensing happiness amongst all present? That is true nobility. That is high breeding, which makes a great social gathering one of enjoyment to all. All distinctions of rank were buried, and the only thought was to make every guest enjoy himself. If society were always such, what a heavenly enjoyment society would be on this earth! Such is English nobility of the highest type. They are governed by those christian feelings which the divine founder of our religion, declared to be the highest. They have endeavoured to live for the good, the true and the beautiful. The presence of such a family here, is further calculated to strenghten the bonds which hold together our great Empire, to which we are proud to belong. When we think of the history and traditions of that empire—when we think of Her Majesty's wise and beneficent reign and of the great power exercised for the happiness and well being of every part and portion of that vast Empire, we are proud to remain British subjects. It is the presence of such representatives of the Crown, in the Colonies, distinguished always for what is good, that will strengthen the Empire of Great Britain and preserve a bond of union holding together its integral parts. Who can look at the traits of character of such a vice-regal party—who can reflect upon the reign of Her Majesty, and upon the greatness of our Empire and ever dream of annexing this country to the United States? The republic on our southern portions was the first off-shoot from the mother country. We wish the United States every prosperity. They are distinguished for their great progress and enterprise. Vast numbers of the families of Boston, New York Philadelphia, Balitmore, Cincinnatti St Louis and and Chicago, from travel and culture, are amongst the most agreeable people you can meet in the world. I have had the honor and happiness to meet many of them in my travels. While we wish them all prosperity and happiness our ambition is to remain a part of the British Empire. Let the great republic work out its destiny, with all its enterprise, extending its population and advancing in all that belongs to a highly civilized nation: but our ambition is to become ultimately a great northern power on this continent with Ottawa for its capital. Look at our great navigable rivers extending into the heart of the continent,—our great Northwest capable of sustaining many millions of population: look at our Pacific province, with all its resources of coal and timber and fish and mineral wealth; our Vancouver Island with a climate like that of England: we have everything in this country to become a great northern power and the presence of such distinguished Vice-regal families amongst us animates us with the noble ambition, that we will have no political connection with the great republic to the south of us; that while we desire to see them prosper, we will work out our own desdiny as part of the old Empire, under the old flag.

The motion was agreed to.

ST. CATHARINES AND NIAGARA CENTRAL RAILWAY COMPANY'S BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (137) "An Act to amend an act of the present session intituled 'An Act respecting the St. Catharines and Niagara Central Railway Company's Bill.'"

The Bill was read the first time.

HON. MR. ABBOTT—This is a Bill which was passed through three stages last night, for the purpose of correcting a slight error in a clause of the Act to which it refers. There was a very proper exception placed at the end of the Act by our Committee, and by this House, restricting the clause from having a retroactive effect, which was a proper thing to do but the addition was so framed that it applied also to another clause which it was not the intention to interfere with, and to which all parties concerned agree. Last night, the House of Commons, having discovered this slight error, passed the Bill through the three readings to have it corrected, and I presume we may safely do the same thing here. With the concurrence of the House, I move that the Bill be read the second time.

The motion was agreed to and the Bill was read the second and third times and passed under a suspension of the rules.

BILL INTRODUCED.

Bill (123) "An Act further to amend the Criminal Procedure Act." (Mr. Abbott).

SAWDUST IN THE OTTAWA RIVER.

REPORT OF THE COMMITTEE ADOPTED.

HON. MR. MILLER moved the adoption of the report of the Select Committee appointed to enquire into and report upon the extent and effect upon the Ottawa river of the deposit therein of sawdust and other refuse, the expediency or necessity for preventing such deposit and the measures requisite for that purpose.

He said—In moving the adoption of the report of this Committee I do not think it will be necessary for me to occupy the time of the House for more than a few moments. The subject referred to is one of very great importance and it received careful attention from the Committee from the time that we had at our disposal. I may state that the Committee, composed of ten members of the House from different sections of the Dominion, unanimously concurred in the report, and therefore it may be presumed that the report itself was, under the evidence given to us, the most judicious that we were in a position to make. It was found on evidence of the clearest character, that deposits of sawdust and other mill refuse had been for many years past made in the Ottawa river, destroying largely the navigable capacity of the river and also doing a very great deal of destruction to riparian rights of proprietors. The committee, after having heard evidence on this point, from gentlemen of engineering skill and qualification, as well as from residents of Ottawa of large experience on the subject, had no hesitation in saying that a serious injury was being done to the river by these deposits of sawdust and refuse,and that in course of time, if the evil was not put an end to, the navigation of the river would be irretrievably destroyed. It was also found that these deposits, in may cases, were considered a dangerous menace to the health of the city, and on that ground also should in future be prevented. The investigation of the committee also elicited the fact that sawdust and mill refuse could be very well utilized for various purposes and that the destruction of anything remaining for such purposes could easily be effected from the experience of other mills not only in Canada but in the United States as well. However, the large lumbering interest involved in the question referred to us was considered of such importance, not only to this district but also to the

country generally, that the Committee did not see their way to ask the Government immediately to enforce the law in reference to saw mills on the Ottawa river, but they do recommend that, as soon as practicable, the Government having regard to the vast interests involved in this trade, would repeal the proclamation under which exemption is now granted to the mills at the Chaudiere Falls and enforce thereafter strictly the provisions of the law. As I do not feel a local interest in the matter, and as there were two gentlemen well qualified to speak on it on the Committee, and, no doubt, in addition to the general public importance, also feel a local interest in it, who will require to address the House, it will not be necessary for me to detain you any further.

HON. MR. CLEMOW—As has been stated by the Chairman of the Committee, the question of this nuisance was examined into minutely by the Committee, and they arrived at the conclusion that it was a very serious injury to the navigation of the river. I may say that the depositing of this refuse in the river has been going on continuously for a number of years and it seems extraordinary that while the provisions of the Act passed a great many years ago have been enforced in many localities, exemptions have been made in favor of the larger mills, showing conclusively that there must have been some very strong feeling in favor of them. If the owners of the mills had shown any disposition to consider the public interest they certainly could have remedied the evils complained of long ago. For years it has been known throughout the length and breadth of this part of Canada, that the sawdust deposits were of the injurious character explained by the Chairman of the Committee and that if continued much longer, they would render the navigation of the Ottawa difficult, if not impossible. However, as this matter has been taken in hand at the present time, I trust that the necessary precautions will be taken by the Government, as soon as possible, to prevent the continuance of the evil attending this practice. Every consideration has been granted to the mill owners at the Chaudiere, as the House is perfectly well aware. These gentlemen say they have conferred a very great benefit upon the country in managing this great industry. I admit the importance of the industry, but when we consider the fact that they have succeeded in obtaining most valuable privileges and limits of great extent —when they have succeeded in obtaining possession of the most valuable assets of the Dominion, I do not think the country is very much indebted to them for having availed themselves of the opportunity to control an important industry. We all know that the vast forests of this country, which these men obtained possession of years ago, were a fortune in themselves, and if they had excercised ordinary care and prevented unnecessary waste and destruction, I believe our forest wealth would have been sufficient to repay the entire liabilities of this Dominion. However, they have not been managed in a way that is creditable to this country. That is all past and gone, we want now to protect, as far as we can, the interests of this country for the future, and I think the public will say that this Committee have acted in a manner that will deserve commendation in the future. The Committee have found by evidence that cannot be controverted, that this practice of throwing refuse into the river has been going on for years. An attempt was made to show that no great damage was done to the river—that the sawdust and refuse have been merely thrown into the river without interfering seriously with the channel; but all the bays along the river from here to Grenville are filled up, and the inevitable result must be ere long that the deposits will encroach upon the channel. Some of the witnesses stated that in five or six years, if this practice of depositing mill refuse in the river is continued, the navigation of the Ottawa river from here to Grenville will be utterly destroyed. Therefore I think it is high time that precautionary measures should be taken by the Government to prevent any further obstruction to the river in this respect. They pretended to show that it was an utter impossibility to get rid of the sawdust by burning it, or otherwise. On the other hand, evidence was

produced that other mills in this part of the country did dispose of their sawdust by burning it, and in other ways. But we have stronger evidence than that: we have evidence that in Michigan, in a city numbering 50,000 inhabitants, there are seventeen mills, all employed in the same way, and that they have a means for burning all their refuse without injuring in any way, by fire or otherwise, that large city. If the refuse can be destroyed there, why should it not be done here? However, I think this is quite foreign to the subject before us. The mill owners of this country have had great advantages and they certainly should not be allowed to prejudice the interests of the community. They should be compelled to put a stop to this nuisance for the future. I believe that the report of the committee will have the effect of doing so, and I am satisfied that the Government are disposed to carry it out. All they wanted to know was whether this nuisance did exist to the extent I said it did at the time I brought forward the resolution. We have ample means now to know that it does exist, and I believe that when the nuisance is stopped, it will be ultimately a source of benefit to the mill owners themselves. I believe that when they are compelled to dispose of the mill refuse, they will find a way to utilize it so that it will be a source of profit to themselves. Therefore, I am glad that this investigation has taken place, and I have cause to thank the chairman and other members of the committee who conducted this investigation for the care and attention they bestowed on the subject. I hope the report of the committee will have the effect of preventing in the future the evils that the people here have had to complain of in the past. The sawdust and mill refuse have destroyed the fisheries in this section of country. Some years ago, when I first came here, this river abounded with fish. A witness before the Committee gave us an estimate of the loss involved by the destruction of the fish in the river, and the lowest estimate he can form is $100,000 a year. Now this is an item to be taken into consideration and one which had considerable weight with the Committee in determining as they did and reporting as they have done, that the destruction of the river is of such a nature as to call for the immediate action of the Government. I do not suppose the Government can take immediate action. This industry is a very large one, but at the same time there are other interests to be considered, and, as I look upon it, the great thoroughfare of this country; the great water-way that we possess, ought to have a sufficient importance in the eyes of the Government to induce them to apply the remedy as soon as a remedy can be found without interfering very seriously with the interests of the lumbermen. I trust the Government will give this matter their prompt consideration and will take such steps as will remedy the evil, because it has been a great evil which has been complained of for the last 20 years. When I came here first, 48 years ago, we had a river unparalleled amongst the great rivers of the continent. We had no obstruction to navigation t o complain of, but since these mills hve been erected, the deposits of sawdust and mill refuse have been accumulating constantly and are interfering with the rights and privileges of those who live along and have occasion to use the river. Those people ought not to be deprived of their rights without sufficient reason. Take for instance Mackay's Bay, a mile or two below the city. Some years ago it was a magnificent bay. The lumbermen and boat owners used it constantly. I know I had occasion myself to use it for laying up boats in winter, but that bay, like all others between here and Grenville has been filled up, and those people who possessed riparian rights have been dispossessed of their property unfairly by the mill owners at the Chaudiere. It is said that the courts of law are open to them for redress. One unfortunate man, acting under that belief, did have recourse to the courts of law and succeeded in every court in this country, but these capitalists, who have made their money out of the country, have taken the case to England and have almost ruined that poor man. If he had not received the assistance of friends it would have been utterly beyond his power to recover the redress to which he is certainly entitled. Therefore, it shows that although the courts are open to those who areaggrieved,

they are practieally closed, because these wealthy lumbermen have got the means to protract litigation until any ordinary citizen is borne down by the great expense. These lumbermen have amassed large fortunes, they live in splendid mansions, and they are the lords of the country. They want to own the whole country themselves, and to monopolize everything. Situated as we are in the Senate, we ought to come to the rescue of the public and tell these capitalists, that while we are willing to give them all the rights and privileges they should enjoy, still the cause of the weak must be sustained as against the cause of the wealthy. I believe the report of the Committee will have that effect, without proving detrimental to the interests of the lumbermen. These men threaten to leave this part of the country, to remove their mills from Ottawa, if they are prevented from destroying the navigation of the river. I have been here a long time—before these lumbermen came to Ottawa. We lived without them before they came, and we will be able to live without them in the future. If they choose to move their mills, that is their business but they cannot remove the magnificent water powers, and they cannot remove the timber limits from the country at any rate. We possess these sources of wealth, and whether they move their business from the city or not, they must locate somewhere and the country will not lose anything which they can contribute to its prosperity. So far as the water powers are concerned, we will not lose much revenue, as those men have never paid one dollar to the Government for the water privileges they have used for the last thirty years. I believe that these water powers could be utilized to much better advantage, and that the Government could realize a large amount of money if they were free to rent them to others. I asked the other day for a return from the Government of the amount of money due by those Chaudiere men for the water privileges that they have enjoyed for over a quarter of a century. That return has not been brought down yet, but I hope it will be in a short time, and I will be able to show that instead of the Government realizing anything from the water power at the Chaudiere, those lumbermen have never paid a dollar for the use of them, but on the contrary they bring the Government in debt every year for permitting them to use them. If the Government had control of the water privileges at the Chaudiere to-day they could realize a very considerable revenue from them. I know people who are anxious to get water powers there, and are willing to pay a large rental for them, but they are monopolized by those lumbermen who give no compensation whatever for them. The public generally will recognize the service that this Committee has rendered and will be grateful to them for what they have done to protect their interests against the mill owners.

HON. MR. MACDONALD (B.C.)—I desire to call the attention of the Government to a matter to which my hon. friend has not referred—that is, the quantity of night soil placed in the river Ottawa every winter. It is enough to poison the whole community, and on that subject the Government should communicate with the City Council. Reference is made to that in the fourth paragraph of the report. The matter is one of very great importance and I trust that the Government in dealing with the subject of the river will not forget that paragraph of the report. We had ample evidence before us that the destruction of the navigation of the river is rapidly going on, that the entrance of the canal has been filled up with mill refuse on several occasions and that it has cost a considerable sum of money to keep the channel open for vessels drawing only four or five feet of water; that property has been injured along the banks of the river for a long distance east of this city. Many of the best bays along the river are filled up and in very many places the people living along the banks cannot get to the navigable water of the river. We have evidence that the channel, which has been deep and furnished good navigation, is likely to be filled up soon—that the bays are filled up already, and that the sawdust and slabs floating down the stream, as they get saturated, must sink to the bottom. We have evidence that sawdust is found at the bottom of the

channel mixed with sand, and it is only a question of time when the navigation of the river will be utterly rnined. I trust that the government, before next season, will see that the nuisance is stopped and that the lumbermen, who are now defiling the river, will be given early warning to put a stop to the practice.

HON. MR. FLINT—I have been engaged in the saw mill business for fifty years, and have had a great deal to do with sawdust, both from steam and water mills ; and I am well aware that the sawdust which comes from mills worked by water has a bad effect on the navigation of any river or place in which it is thrown. For some years I was the owner of a propeller and every spring, before I could get that vessel out of Belleville harbor, I had to spend a day, or a day and a half, with that propeller backed into the sawdust to open a channel so as to let my boat go out to proceed to Oswego. Therefore, I am satisfied, so far as navigable water is concerned, that sawdust in any quantity falling into the stream, must have an injurious effect upon the navigation. However, it is very difficult for mill owners to prevent the evil unless they adopt a system of cartage or burn the sawdust near the mill to get rid of it. In 1852 I built a very large steam mill and we consumed a considerable amount of the sawdust, but there was a very great deal of it that it was impossible for us to get rid of that way, and the mill being close to low marshy ground, I deposited the sawdust in that marsh until at the time when I gave up that mill, there was fully five acres of land reclaimed by the depositing of the sawdust alone. When we commenced to run that mill, almost all the men had low fever, or fever and ague, and I had to bring in new men from week to week in order to keep the mill running, but as the deposit of the sawdust extended out in the marsh, the malaria ceased, and after a time, we had none of this low fever amongst our men. There is no more healthy part of the city at Belleville at the present time than about that mill where the sawdust is. I think the reason of it is that pine sawdust is full of turpentine and turpentine, of itself, has a tendency to prevent disease of that character. So far as water mills are concerned, it is very hard to oblige the owners of small mills, which cut only half a million to a million of feet a year, to take oare of their sawdust, while the large mill owners are allowed to throw all their sawdust and mill refuse into the stream. Last year I applied to the Commissioner of Fisheries to allow us at a water mill which I had, to let the sawdust go into the stream. I do not suppose that in twenty miles of that stream, you would find fish to the value of twenty dollars in the course of the year. I was not allowed to deposit that sawdust in the stream, and it costs me from $100 to $150 a year to cart it away. However, the law must be fulfilled so far as those small saw mills are concerned, and I do not see why the large mills here should not be subject to the same regulation. The way these large mills are situated at the Chaudiere Falls, I do not see how they can make arrangements to dispose of their sawdust. They cannot put up machinery or kilns for the purpose of burning it at the mills, because if they do, they will endanger not only the mills, but all their lumber. It is a difficult matter to deal with. If it had been attended to, in the first place, it could have been done, but there must be some arrangement now by which the sawdust can be taken away from those mills far enough to be burnt without injuring the mills and the lumber there. I may say that this sawdust, if properly applied to the soil, is an excellent fertilizer. I have tried it on very hard clay land, deposited about six inches of fine sawdust upon it and worked it into the soil. If that is done there will never be an insect to trouble the crop, nor will the soil ever be dry, because you cannot possibly dry sawdust, in the very hottest season, to any extent. When you go down to three inches you will find it perfectly moist, as I know from experience. I had about half an acre of rocky soil which I wanted to make a garden of. I cleaned it off to the bare rock and put on leached ashes, common sand and a heavy bed of sawdust, mixing them up together with what chip manure I could get, and I had the best garden there was in the town of Belleville. It is

astonishing how vegetables grow on it. If the farmers could get this sawdust and put it on their land it would be a capital thing, whether heavy clay land, or light sandy soil. With regard to the harbor at Belleville, there is not a saw mill within ten miles of the city that is run by water and the steam saw mills use the sawdust or put it on this large marsh. I think the hon. gentlemen are mistaken when the suppose that the sawdust in the river causes any malaria or sickness. The turpentine in it does not rot out, and as long as the turpentine is in the sawdust it cannot be injurious to the health of the people. As a matter of course, it is injurious to navigation, as I have found in Belleville Harbor, especially where edgings and small pieces of mill refuse are thrown in the river. The sawdust gathers about them and islands are formed which it is almost impossible to do anything with. You cannot dredge them out because you cannot get a dredge into them. If you find a bed of sawdust, you can dig a hole through it, but the sawdust fills in again. It is like a quicksand: you cannot do anything with it. You might spend a million dollars to clear the Ottawa River below the falls of the Chaudiere without succeeding. Therefore I do not see what the Government can do further than to make some arrangement, if they possibly can, to induce the mill owners here to take their sawdust away altogether to some place where it can be burnt, if they cannot utilize it in some other way. As I have said I have been fifty years in the business. The first mill I put up was a steam mill—the first one erected in Ontario—and the last, but one, I put up was a steam mill. I have owned some ten water mills and steam mills, so that I have had a fair experience of what the effect of sawdust will be on the navigation of a river. From the steam mills I never put sawdust into the river but from the water mills I did until we were ordered to stop it and then at a large expense we had to arrange to cart it away, but, as I have said, I think it was rather unfair to prevent us from throwing sawdust into the river while the owners of the great mills here at Ottawa had the privelege of throwing their refuse into the Ottawa River.

Hon. Mr. SCOTT—I have very little to add to what has been said by gentlemen who are familiar with this subject, three of them members of the Committee. The chairman has explained briefly the evidence taken before the Committee, and the deductions unanimously agreed upon after consideration of that evidence. There can be no possible doubt that the noble river, known as the Ottawa is year by year filling up with sawdust and rubbish from the mills, and it becomes a very important matter for the Government to consider what steps ought to be taken to remedy the evil in the future. I must at the outset say that I did not concur altogether in the remarks made by my hon. colleague from Ottawa in reference to the rights of the sawmill men and to the fact that they have been specially exempt by a proclamation from the operation of the Act of Parliament that was passed relating to sawdust and mill rubbish. Those gentlemen, who are established at the Chaudiere Falls, took up these water lots there at a time when no other persons were willing to invest their money in the venture. Some thirty-five years ago it was decided to utilize the hydraulic power at the Chaudiere Falls, and a nominal price was fixed upon the Government lots and parties were invited to put up saw milis on these lots, paying the Governmen a certain charge for the water power. No bidders were found. Our leading men at that time were engaged in what is known as the square timber trade, and they declined to invest in the sawn lumber trade, which had not then assumed any importance. Several of the gentlemen who are now there, or their predecessors, were invited to come here and put up saw mills. They were given these lots at a nominal price, and they took a lease to pay for the water power that was used. At the time, it was very well known to the Government of old Canada, and to the people of this country, that these men intended to put up just such mills as they have put up. Of course the saw mills then were comparatively small and insignificant, as compared with the structures that are there to-day, and for many years no special inconvenience or injury re-

sulted from the small quantity of sawdust and refuse thrown into the river from the mills. About the year 1871, the subject was considered of sufficient importance to appoint a commission to inquire into the injury that was then being done to the navigation of the Ottawa, and on the report of that commission, an Act of Parliament was passed, making it an offence to throw sawdust, edgings, slabs, bark, rubbish and mill dust of any kind into any navigable stream. So important at that time was this industry on the Ottawa river thought to be, that a proclamation was issued, under the authority of the Act, exempting the mills at the Chaudiere from the consequences of the Act, and since that time, the power there has been year by year increasing until now, we are informed on evidence before the Committee, the quantity cut up each year amounts to 350,000,000 feet, board measure. Of course, a quantity so enormously large must seriously interfere with the navigation of the Ottawa River within a comparatively short period. I mention those facts as showing that the gentlemen who had invested their money there have some rights that must be regarded, and with that consideration in view, the Committee qualified their report, by throwing upon the Government the responsibility of dealing with this subject when they could see their way practically to do so. My own opinion is that the evil is one of such magnitude that it has got to be faced. If these men are entitled to compensation it is in the interest of this country that they should be paid compensation rather than that the injury should be continued year after year. The practical way of looking at it is to make full enquiry into the statement made before the Committee, that even as the mills at the Chaudiere now are constructed, it is merely a question of the cost of putting in such appliances as will enable the sawdust and mill refuse to be disposed of otherwise than by throwing it into the river. I think it would be the duty of the government at an early date to appoint experts to inquire fully into the subject, and if they are satisfied from that report that it feasible, even with the mills as now constructed, to get rid of those edgings and mill rubbish in any other way than the one now adopted, I think it would be the policy of the goverment to follow it up, even if the country had to pay the costs as compensation. These men have in a measure a vested right. No doubt, no one individual in the community has the privilege of using a vested right where the injury is to the public, and it is manifest in this case that there is a large and increasing injury, not alone to the people who live upon the shores of the Ottawa, but to all who in the future will require to use the navigation of this stream, to the riparian proprietors and to those who live in the vicinity of its banks, from the injury to health that follows from the decay that is going on during the summer season of this vast amount of rubbish exposed to the hot sun. From a sanitary point of view, therefore, it is equally important that this subject should be taken up and dealt with at once, even though it should be attended with some sacrifice to the public exchequer, because, as I said before, those men were induced to invest their capital here. In doing so they had no special advantages given to them over other men. The opportunity was afforded to anyone else to bid for that place and for the privileges which those men now possess. They acquired from the Government of Old Canada—either from the Crown as represented by the Provinces, or from individuals who held those licenses—the vast timber limits they now enjoy. They have been fortunate that in the past few years greatly increased value has been given to that property over what was anticipated thirty years ago. No one anticipated that such value would accrue to the right of cutting timber on the Crown domain or that such profits would have inured to holders of licenses,and it is a great source of emolument to the provinces of Ontario and Quebec where the licenses run. Those gentlemen have acquired their property honestly and in a fair market, so that I think it is scarcely open to anyone to make reflections as to the manner in which they acquired their property. It is quite true it is a most valuable investment, paying year by year handsome dividends. That was their good fortune. But it is no reason

why they should be dealt with in a different manner from other persons who, by fortunate pursuits, have acquired wealth. But where the interests of the public require that the rights that they have in a manner secured should be taken from them, then I think it is only right and proper that the public should pay for the giving up of those priviledges and rights. I hope the Government will act on the suggestion of the Committee to take steps at an early day to inquire into the subject, first as to whether the mills already there cannot utilize the mill rubbish without throwing it into the river and what the cost will be, and whether it is feasible or not. Second whether the cost ought to be borne by the mills or by the country. Those are very important questions that ought to be taken up at once. Had they been taken up as they should have been in 1873, a great deal of capital that has been used there since would no doubt have been invested in a different manner. Additions and improvements that were made to those mills in 1873, if the owners had supposed this subject was to be followed up, would have been made so that this evil would be diminished instead of increased, but as nothing was done fifteen years ago, it has assumed such gigantic proportions in the meantime that it is found necessary to grapple with it or the Ottawa River may be abandoned a few years hence as an unnavigable stream.

HON. MR. ABBOTT—As I expected when I moved for the appointment of the Committee, their labors have proved to be of great importance; and I have no doubt will be of great advantage to the Government in forming an opinion as to what should be done to prevent injury to the navigable waters of the Ottawa, and to the health of the people residing along its banks. I shall call their attention to the report and to the evidence, not forgetting the points raised by the hon. gentleman from British Columbia, and as soon as the prorogation of Parliament will give them the opportunity of doing so, the subject will undoubtedly be taken up and careful consideration given to it. There is no doubt the interests at stake are very large indeed, and cannot be dealt with harshly and carelessly; but there must be a solution found for the difficulties which this practice of depositing sawdust in the river seems to cause. It cannot be allowed to continue if it is to result in the way which hon. gentlemen who have spoken describe, and which I think the report largely confirms. I was much pleased in reading the report to find the decided yet moderate tone in which it is couched. I perceive that the members of the Committee have understood and considered the difficulties which attend the subject, and I think I can assure them that the recommendation they have given, with its qualifications, will be carefully considered by the Government.

The motion was agreed to, and the report was adopted.

CONTINGENT ACCOUNTS OF THE SENATE.

REPORT ADOPTED.

HON. MR. READ moved the adoption of the second report of the Select Committee on Contingent Accounts.

He said–This report recommends that in future, the amount to be paid for the printing of the rules and private bills be sixty dollars, instead of the amount we have heretofore paid. It also recommends that Mr. Thomas Wheeler, keeper of the news room, shall have his salary increased by $100 a year. It recommends also that the sessional messengers and other messengers shall be under the direction of the housekeeper, or head messenger. It recommends also that each messenger be allowed a month's leave of absence, as the housekeeper may direct. It also recommends that $100 be given to a gentleman who is to look after the restaurant to see that a correct account of all the utensils there, is made, both after the session and before. It also recommends that Mrs Tache be continued in the same position she now occupies as Assistant Clerk of French Journals until next session. It recommends that Andrew Wilson be appointed a sessional messenger commencing next session.

The motion was agreed to, and the report was adopted.

DOMINION ELECTIONS ACT.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (89) "An Act to amend the Dominion Elections Act cap. 8, Revised Statutes of Canada."

In the Committee,

On clause 15.

HON. MR. POWER—I will ask the hon. gentleman if he took any notice of the suggestion made with respect to this clause when the Bill was at its second reading.

HON. MR. ABBOTT—I did not understand that any suggestion was made with regard to the clause. There was some debate about it, perhaps my hon. friend will refresh my memory on it?

HON. MR. POWER—There are some amendments on which I propose to take the sense of the committee. The hon. gentleman may possibly remember that I demurred to taking away from a candidate the responsibility for corrupt practices by an agent appointed by writing. The hon. gentleman noticed that this amendment provides that the candidate shall be responsible only for the acts of the one agent, who is generally known as the financial agent, and who as a rule has nothing to do with the election at all, except to formally pay the legitimate bills. But there are other agents—agents mentioned in the forty-fourth section of the act, and in another section to which I call attention—agents who are in the fullest sense agents of the candidate, men who possess his confidence, and whom he appoints by written authority to represent him in polling sections. To say that the candidate shall not be responsible for the corrupt act of an agent appointed by himself in writing is going too far, and would be opening the door to a great deal of corruption. If a man who is simply actuated by good will towards the candidate, and who is not directly authorized or appointed as his agent, happens to be guilty of a corrupt practice which does not materially effect the election, it would be unreasonable to hold the candidate responsible; but there is nothing unreasonable in asking that a candidate shall be held responsible for the acts of his own agent, appointed by him in writing. I propose to amend sub-clause "A," so as to make a candidate responsible for any agent who is appointed in writing. There is also an amendment needed to sub-clause "C." Supposing that the election was a very close one, and, as it sometimes happens, the majority was one or two or three votes, a comparatively trivial, unimportant and limited amount of improper conduct would materially affect the result of the election, but it would not void the election. Now, I would propose to amend, by inserting after the word "character" the words "and did not materially affect the result of the election."

HON. MR. ABBOTT—My hon. friend will probably on reflection see that he exaggerates the importance of the appointment in writing of which he speaks. The appointment in writing of agents of the class he describes, is the appointment merely of poll agents during the voting, to take note of those who vote, and those who have not voted, and to check voters who have no right to vote. Such agents have nothing to do with the management of the election generally. I dare say my hon. friend knows, at all events I know, and any hon. gentleman who has been in the other House knows, that these appointments are not usually made of persons who possess the personal confidence of the candidate. In nine cases out of ten he never sees them or hears of them, or even knows their names, He gives to his manager a number of blank authorities, and this person selects a number of young law students, or intelligent young men, to stand at the polls, and check the lists and so on; but these agents do not possess the characteristic that the hon. gentleman spoke of, of possessing the personal confidence of the candidate; and the fact that they possess a form of authority signed by him, in which their name has been written by some local manager of the poll, is no indication that they have those personal relations with

the candidate to which my hon. friend refers. He says the candidate ought to be responsible for the acts of those agents so appointed. So he is. The law leaves him responsible for their acts, but not to the same degree as for acts of the financial agent. He is responsible for their actions in so far as they materially affect the election. If those men have committed corrupt acts, which the court cannot report as being of a trivial, unimportant and limited character, then the candidate is responsible and the election rendered void. So it is only a question of degree, for the candidate is responsible for the agent who does possess his personal confidence to the extent that any act of corruption committed by him, or under his sanction, will avoid the election. It would be unwise to perpetuate the injustice which the present act has created, by making an election depend on the action of one of those young men who was sent to the polls to check votes, no matter how trifling or unimportant such act may be. I am unwilling to send back this Bill to the other House unless we can really make an improvement of some importance in it. Supposing the election were carried by a majority of one, and one vote was corrupt, that would not be unimportant, though if there five hundred majority it would be unimportant if only one man had been corrupted. I think therefore the clause is quite clear and sufficient as it stands.

Hon. Mr. MILLER—I think it is admitted now, in this country, very generally, that in our great eagerness to protect the purity of elections we have gone too far and have put such a law on the Statute Book, as has been said, it is almost impossible to elect a candidate who cannot be unseated. The law itself is stringent in every particular and is made in the spirit of presuming corruption and illegal and improper practices to such an extent that it goes too far and places the candidate altogether at the mercy of persons who may be disposed, in order to bring him within its clutches, to commit acts of bribery and corruption for which he should in no way be held responsible. With regard to the first amendment, I think it has been very well answered by the learned leader of the House. The agents who are appointed to represent a candidate at the polls are appointed as the hon. gentleman has described, and besides that, are appointed for the limited purpose of watching the votes as they come in and not to permit fraudulent votes to be polled. It would be hard, considering the number of those agents, that the candidate should be held liable for any indiscretion of one of those that would not in any way materially affect the election. If anyone of those agents or any other party is guilty of corruption in such a way as to affect the result of the election, it comes within the purview of this Bill, and therefore I think it would be unnecessary to include the large number of persons who would be included by the amendment of my hon. friend. This Bill comes from the House of Commons where they are much better judges of this class of legislation than we can be expected to be, because they have had an experience which we have not had and they speak with an authority which we cannot possess. With regard to the last amendment, I think it has been put so clearly by the hon. gentleman who has charge of the Bill, that the words include of necessity the very meaning which my hon. friend would desire under his amendment to introduce into the Bill, that it would be simply a redundancy to adopt the amendment. It was certainly the intention and object of the framers of this Bill—and I have no doubt it was very carefully considered before it was introduced—to attain the very object which my hon. friend desires to secure by his amendment, and that it is attained by the words of this sub-section, is beyond doubt in my mind. The offence must be trivial, unimportant and limited—the terms are cumulative and are just as strong as language can make them. If my hon. friend had any amendment to offer to the Bill, which would be really desirable—and I am sure no one in the House would oppose such an amendment—it might be well enough at this period of the session to introduce it into the Bill, but I do not think it is desirable, the House of Commons having passed this Bill relating especially to its own mem-

bers, and only to them, that we should make the amendment.

HON. MR. POWER—I do not pretend to quarrel with the interpretation which has been put on this paragraph "C," by the hon. gentleman from Richmond and the leader of the House. If this Bill when it becomes law, was to be in the hands of skilled expounders of the statute law, such as those two gentlemen, I should think the amendment was unnecessary; but that is not to be the case. This law will be in the hands of persons who are not familiar with the interpretation of Statutes, and to whom it is necessary to make everything very clear indeed. That difficulty of construing the Statutes which are apparently clear, or not difficult of interpretation, is not confined solely to illiterate people and laymen; because in some recent cases before the Supreme Court of Canada we have had decisions of the highest court of Ontario which were looked upon as being perfectly clear and in accordance with the wording of the Statute, set aside as being altogether incorrect by the Supreme Court here, and although the language of this clause may be clear to the two hon. gentlemen who have spoken of the matter, just now, the meaning may not be clear to others who have not had their experience. There could be no doubt whatever of the meaning of the paragraph if we inserted the words I have suggested. Then as to the other point, both the hon. gentleman who leads the House and the hon. member from Richmond have taken the ground that these agents who go to represent candidates in rural polling districts are officers of no consequence—they are simply clerks who go there to check the voting and see that votes are properly taken.

HON. MR. MILLER—I would like to ask the hon. gentleman has he ever known in his experience any instance of this kind—if he has not I have—of a man getting an appointment as agent at a poll purposely to betray the candidate?

HON. MR. POWER—A man could not well get an appointment in writing from the candidate who would do that.

HON. MR. MILLER—I have known cases of that kind.

HON. MR. POWER—Though I have never had the good fortune to be in the House of Commons, I know a little of the way in which elections for members of that body are conducted; and I know that in many cases the agents who are sent from the county towns into the rural districts are just the men who are guilty of corrupt practices, and that they are sent very often for the express purpose of doing that work rather than the mere work of checking the presiding officers in dealing with the voters list.

HON. MR. HOWLAN—Does the hon. gentleman speak from experience?

HON. MR. POWER—I have had occasion to watch what the people were doing on the other side.

HON. MR. KAULBACH—A spy.

HON. MR. POWER—No, I am not a spy; but it was my duty to see what was going on, and if hon. gentlemen wish I can give them the names and places where agents of Conservative candidates have done some remarkable things in the county of Halifax. The leader of the House said that with respect to this we would be perpetuating the injustice which he complained of. I cannot agree with him in that respect; because the injustice has been that men have been held liable for the acts of people with whose appointment they had nothing whatever to do; but I think there have been very few cases where it has been felt that an injustice has been done because a canditate has been held responsible for the acts of an agent appointed in writing who had been guilty or corrupt practices. I still continue to think that the amendment I have suggested is a desirable one. The hon. gentleman from Richmond says that the members of the House of Commons are better judges on questions of this kind than Senators. I am not quite clear about that, for this reason: the members of the House of Commons have all to run elections, and have to run the risk of being disqualified for the

improper acts of their agents, and the natural feeling in the mind of the average member of that chamber is that the fewer traps there are open for him, the better. We are able to look on the matter with a judicial eye and from the point of view of the public interest and not the interest of the candidate. I regret to find that the leader of the House does not seem disposed to accept these amendments.

The amendments were declared lost on a division.

HON. MR. MCINNES (B.C.) rose to move that the Bill be amended, by adding the following clause :—

The following persons shall not solicit any vote for any candidate at an Election of a member to serve in the House of Commons of Canada, canvas for any such candidate, speak for or against the interest of any such candidate at any meeting held during such Election, or take any part in such Election, namely :—

(*a*) Members of the Civil Service of Canada, within the meaning of "The Civil Service Act," whether belonging to the inside or outside division thereof.

(*b*) All persons employed in the North-West Territories in or under the several departments of the Executive Government of Canada, or receiving for such employment a fixed salary payable out of the public funds of Canada.

(*c*) The officers, clerks and servants of the Senate, the House of Commons, and the Library of Parliament.

(*d*) The Auditor General.

(*e*) The officers, clerks and messengers of the Supreme Court of Canada, the Exchequer Court of Canada, and the Supreme Court of the North-West Territories, and of any other Court of Civil or Criminal jurisdictions constituted under the legislative authority of the Parliament of Canada.

(*f*) All persons to whom the provisions of "The Civil Service Superannuation Act" apply.

And everyone who offends against the provisions of this section is guity of a misdemeanor, and liable to a penalty not exceeding one thousand dollars, or to imprisonment for a term not exceeding twelve months, or to both such penalty and imprisonment.

He said—The reason that induced me to move in this matter was solely to put the civil servants in an entirely independant position so that they would devote all their time to the public service and not to the service of any particular party by whom they may have been appointed. During the Mackenzie regime I understand a number of civil servants were dismissed, others were degraded and forced to leave the service: when the present Government came into power a large number of Liberal civil servants were immediately dismissed and degraded and I believe this has been going on up to the present time. I do not say whether it was done justly or unjustly by either Government, I only mention the fact: my object is to place those people in a position where they will not make themselves obnoxious to either party, Grit or Tory. Since I placed the notice on the paper a great number of civil servants have spoken to me on the subject. Among the number is the Deputy Minister of Marine and Fisheries who congratulated me and said it was something he had been advocating for a number of years. He also volunteered the statement that he had been in the service of the Government in Scotland before coming to this country, and that civil servants there were not allowed to vote or take any part in elections. A great number of others have expressed themselves in the same way. Some have objected to being disqualified from voting but I have seen or spoken to none who object to the clause prohibiting them from taking part at public meetings or soliciting votes or canvassing in any way for or against any candidate for a seat in the House of Commons. I propose to take the sense of the committee on each clause of the proposed section separately. I move the adoption of clause "A"

HON. MR. SCOTT—I think the suggestion made by the hon. member is a most valuable one, and one that this House ought to adopt. I think it is most unseemly that civil servants should take an active part for or against a candidate in any election. Civil servants are, generally I must say, by the government in power, whichever it happens to be, pressed into voting, often against their better judgment. I have had opportunities of knowing that, personally, many of them would prefer to be disfranchised. It would place them in a very much better position. I think it would remove the possibility of such scenes as occurred

early this session when certain gentlemen in the employ of the House of Commons were dismissed. Although they were holding positions entirely independent of the Civil Service, being translators of the House of Commons, yet it was felt that their individual influence, addressing an audience from the public hustings, was not in good taste so they were dismissed by the Speaker of the House of Commons. It would be infinitely better if we said to all men in the public service of the country, "the moment you accept a position you must consent to disfranchisement. You ought to have no preferences between the political parties. You can attend much better to the services of the country by having your name stricken off the voters' lists and not being importuned for your vote by either side when an election takes place."

HON. MR. DEBOUCHERVILLE—I intend to vote for this motion, but I suggest that the hon. member ought to withdraw it now and press it on the third reading of the Bill. If a division is taken now the votes will not be recorded and it is important that the opinion of members should be known, as they would be if a vote were placed on record at the third reading.

HON. MR. POWER—The Government are going to accept the amendment I presume.

HON. MR. ABBOTT—No.

HON. MR. MCINNES (B. C.)—I intend to press the amendment at the third reading, but I wish to put the clauses separately now. If they can be improved in any way, I am willing to accept suggestions with that object in view.

HON. MR. ABBOTT—I regret very much, that on behalf of the Government I cannot accept this amendment. The principle that it is improper, or indelicate, or inexpedient, that public servants should take a prominent part in elections, is undoubtedly well recognized, but I do not know that there is any law in this country or in any other country having this system of government, which imposes upon a public servant a penalty of $1,000 and makes him guilty of a misdemeanor, and liable to imprisonment for a term not exceeding twelve months or to both, for taking part in an election.

HON. MR. MCINNES (B. C.)—That can be modified.

HON. MR. ABBOTT—This it seems to me is a clause which would entirely destroy all self respect on the part of the government officials.

HON. MR. POWER—How?

HON. MR. ABBOTT—It seems to me also a little invidious to take up a law made for regulating the domestic affairs of the House of Commons, interfere with its details, and insist upon provisions which the House of Commons itself does not desire, or undoubtedly it would have inserted them. If this were a matter of policy affecting the whole Dominion, of course it would be a different thing. I do not deny that we have jurisdiction to deal with the smallest details of this bill, but I think it is a little indiscreet for us to begin scrutinizing details, and placing limits on the discretion of persons who undoubtedly have a vote under the law as it now stands — who undoubtedly have a legal right to exercise what discretion they please in respect of elections, subject always to the notice which their superior may take of their conduct. Of course as my hon. friend proposes to move the other amendment, of which he has given notice, to another Bill, I have a right to regard the two, as parts of one system which he proposes to adopt, in regulating who may vote or act in the election of members to the House of Commons.

HON. MR. MCINNES—The other Bill may not come down.

HON. MR. ABBOTT—He proposes to exclude all those persons from voting altogether.

HON. MR. POWER—That is not before the House at all.

HON. MR. ABBOTT. — The two notices coupled together indicate what the hon. gentleman means.

HON. MR. McINNES—The motion referring to disfranchising civil servants is not before the House at all, and the hon. gentleman has no right to discuss it until it is before the House. It refers to another Bill which has not come up from the other Chamber yet, and which may not come up this session.

HON. MR. ABBOTT— I am not discussing the first motion of which notice is given here, or the propriety of adopting it or not: I am merely discussing the amendment which the hon. gentleman has moved, and I am referring to the other, which I find on the paper here, for the purpose of illustrating the principle on which the motion which the hon. gentleman makes is based. And as long as I do not say anything which my hon. friend has no right to object to as a matter of order, I have a right to go on. I say this motion which the hon. gentleman now makes, is part of a system which would exclude a large and intelligent part of the community from all participation in public affairs. We have been moving a great deal in the direction of lowering our franchise, acting under the idea that the more of the less educated and less intelligent classes of the community we can admit to vote at elections, the better their selection would be. I entirely differ from that proposition. I say the more of the intelligent portion of a community we can bring to vote in elections, and take part in them, the more satisfactory the result is likely to be, so I take the exact opposite of the position which prompts this motion. The members of the Civil Service who would be excluded from taking part in elections, if this motion were granted, are amongst the most intelligent classes of our community. They are required to pass an examination before being admitted into the service, and they know more of the machinery of the Government than persons outside of it; yet these are the persons who are to be prevented from taking part in elections in favor of one candidate or the other. Our practice hitherto has been that unless a man in the service has made himself conspicuous by public advocacy of one party or the other, no notice has been taken of his conduct.

HON. MR. POWER—Unless he supports the Opposition.

HON. MR. MILLER—It has always been admitted that the active opposition of civil servants to the Government under which they serve, is certainly a much more serious offence than taking an active part against the Opposition.

HON. MR. McINNES—Certainly, because they are in danger of being dismissed.

HON. MR. ABBOTT—The practice of both Governments has been, that if a man has made himself unduly conspicuous in the advocacy of one side or the other, it has been taken notice of, but not to the extent of sending him to the penitentiary, or fining him $1,000. That is treatment which a civil servant does not deserve. The rule which the Government has adopted in that matter, is quite sufficient to prevent members of the civil service from taking such an active part in an election, as would be materially injurious to the public interests in any way. I disapprove altogether of this attempt to impose penalties on civil servants who take part in elections. I would prefer to give them greater freedom to take part in elections rather than to exclude them. I am decidedly opposed to taking their votes from them, or imposing such enormous penalties as would entail the loss of the man's self respect, as my hon. friend would by this motion. I hope the House will not accept this modification of the law. It will be time enough for us to deal with this matter in so stringent a manner as this, when the House of Commons itself is of opinion that there has been undue interference with the election of members of that House, and that the freedom of elections has been impaired, or interfered with by the acts of civil servants, which I do not think has yet been the case. I hope the House will support me in resisting the introduction of this section into the Bill.

HON. MR. MILLER—One important feature in connection with the subject under discussion seems to have been forgotten in this debate—the protection which the ballot gives to every elector who goes to the polls seems to have been overlooked. It is impossible that an intelligent man desiring to record his vote need be under any apprehension if he keeps his counsel to himself. I cannot see where his liberty of voting can be interfered with. Take anyone of the classes here enumerated: they are all supposed to be intelligent men acquainted with public affairs—classes that give perhaps more intelligent attention to politics and the affairs of public life than any other amongst us, and by this amendment we would deprive the country of valuable and matured judgement of that class in all elections. I am not disposed to do that on that ground alone, but there is another ground: hon. gentlemen say you make them independent by taking away from them the franchise: I cannot imagine anything more illogical—you make a man independent by making him a slave.

HON. MR. POWER—We are discussing the franchise: this is another matter altogether.

HON. MR. McINNES—Why do we deprive all the judges throughout the Dominion of their votes or taking any part in elections?

HON. MR. MILLER—I will tell my hon. friend why: because in their high judicial position it is desirable that they should not stain the ermine by mixing in election contests. There is another important reason: every contested election under our law now goes to the judges for final decision, and you might place the authority and power of deciding these cases in the hands of men who may be partizan in their feelings. That is not desirable, and, therefore, judges are excluded from voting. But to say that you make a man free by depriving him of one of the first priveleges of the subject under a Constitutional Government is, to my mind exceedingly illogical.

HON. MR. McINNES—How are you depriving him of his privileges?

HON. MR. MILLER—You deprive him of the highest right that a subject can possess?

HON. MR. McINNES—Under this amendment he can vote—but not solicit votes or take any active part in an election.

HON. MR. MILLER—I shall certainly oppose the amendment. I would not, in so material a point, attempt to change the franchise unless the House of Commons had taken the intitiative in the matter.

HON. MR. McINNES—Hear! hear!

HON. MR. MILLER—My hon. friend laughs, but I am one of those who think that in a matter of domestic regulation, as the hon. leader of the House has said, relating to the House of Commons alone, we should not be called upon to discuss it until they have sent it to us for consideration. It will be time enough for us to deal with the matter then.

HON. MR. POWER—I think the mover of this resolution has very good reason to complain of the way it has been dealt with. The leader of the Government made a vigorous and well directed attack on something not before the Committee now, and which may not come up this session, and the hon. gentleman from Richmond did the same thing. It will be time enough to discuss the question of civil servants voting when the question comes before the House. If the proposal to prevent them were before the Committee now, I should myself vote against it, but I propose to vote for this proposition, because I think it is a reasonable and proper one. What injustice does it do to anyone? Is it anything unreasonable that the men who are paid by the money of both sides, who receive their salaries from taxes levied on people of all shades of politics, should be prevented from leaving their business as public servants and going ont in the country to take one side or the other in an election contest? Is it not perfect reasonable and proper that they should be prevented

from doing so? We give them the right to vote as they please; but we prevent them from otherwise interfering in elections. The hon. gentleman from Richmond and the leader of the House also made some reference to the impropriety of our interfering with what they called the domestic affairs of the House of Commons. I do not think this is a domestic matter of the House of Commons at all. The question whether the public servants of this country shall be obliged at the dictation of the ministry of the day to go out and canvass and take an active part in political contests, is not a matter affecting merely the House of Commons, but one affecting the whole public service and the interests of the country at large. The hon. gentleman from Richmond thinks it would be very improper now to interfere in a matter which so peculiarly affects the other House, but I have in my mind an amendment which was moved in the Senate in the Session of 1882, tacked to a Bill with which it had no connection whatever, undertaking to give the franchise to some 200 persons in the County of Halifax who had not the franchise under the law. It was done for the sole purpose of influencing the election in the County of Halifax, and that amendment, made in this House, had the effect of defeating the Opposition candidate and electing the Government candidate in that county. My hon. friend from Richmond was just as active a member of this House then as he is now; but he saw no reason to prevent the adoption of the amendment, though it was a more direct interference with the private affairs of the House of Commons than this is. The hon. leader of the House was very much troubled as to the danger of depriving the civil servants of their privileges. This amendment does not propose to deprive them of their right to vote, and I imagine that the average civil servant is not anxious to have anything more than that. If these gentlemen, whose intelligence is quite as great I trust as the leader of the House has said it is, were perfectly free to go and speak as they pleased for one side or the other, I should not particularly object; but the fact is that the civil servant who comes out and speaks against the Government does so at the risk of losing his office. The one who supports the Government candidate does so with the expectation that in all probability his service will be recognized by promotion. That has been done recently with civil servants who did things that they should not have done and exhibited strong partizan feelings; so the present system is a very unfair one. As long as a man acts for the govment of the day he is safe and likely to be promoted, but if he speaks against the government, he is likely to be dismissed, as were the translators in the House of Commons. Anyone who looks at this matter with an unprejudiced eye must see that this is perfectly reasonable and proper amendment. As I have said, I would not vote for the proposed amendment to another Bill which may not come here; but I confine my remarks to this amendment which I consider one deserving of support.

HON. MR. MILLER—The hon. gentleman truly says that I was a member of this House in 1882 and that I did not oppose the amendment made to a bill to enfranchise the Dominion Government officials in the Provinces of Novia Scotia. I did not and if that measure was before the House again under similar circumstances I would do the same thing, because I think I was redressing one of the most disgraceful wrongs ever perpetrated by any constitutional Government on the electors of the Province of Nova Scotia. What was the fact? As stated by the hon. gentleman to the House the true inwardness, so to speak, of the case cited by him does not appear. In 1882, the local legislatures had the power of regulating the franchise until the Dominion Franchise Act was passed. In Nova Scotia the local Government did what was not done in any other Province—they disfranchised the Dominion officials in that Province from one end to the other, with very few exceptions, and it was in order to remedy that gross injustice that occasion was taken of the passage of a Bill through Parliament to add a clause enfranchising these men, a thing dictated alike by sound policy and justice. It was redressing a wrong done

by the Nova Scotia legislature under partizan influences. It is well known that the local government of the Province was at that time hostile to the Dominion Government and they disfranchised men who were supposed to be friends of the Dominion Government on the pretext that they were Dominion officials, while not a single official of the local government over whom that government had absolute control in elections was disfranchised.

HON. MR. POWER—The hon. gentleman is wrong; some of them were disqualified.

HON. MR. MILLER—Not in the sense my hon. friend means. Perhaps his exception is strictly accurate in this respect, that under all the provincial franchise acts, some officers, such as judges, sheriffs, &c., are not allowed to vote, but the civil servants of the local government were not disfranchised.

HON. MR. POWER—Yes.

HON. MR. MILLER—Very few of them.

HON. MR. KAULBACH—The hon. gentleman from Richmond has just said what I intended to say. The hon. member from Halifax is mistaken; it was simply an attack on the civil servants of the Dominion. Now this amendment which is before the House is to prevent civil servants from taking part in an election. That must include voting because voting is taking part in an election. It looks to me simply a partizan motion. If the Grit party were in power, the hon. gentleman would not move this amenmdent. He speaks of the Deputy Minister of Marine desiring this legislation: Mr. Smith is old enough to take care of himself, and it is not necessary to pass an amendment like this to secure his independence. It is preposterous to say that an intelligent class of men should not be free to express their opinions on public questions with which they are familiar. As long as they exercise their rights fairly, without becoming violent partizans, I should be sorry to deprive such a large and intelligent class of their votes. The amendment would exclude from the franchise thousands of people throughout the Dominion, and of the very class best qualified to express an intelligent opinion on public questions.

HON. MR. HOWLAN—I have listened to the debate with a good deal of attention and from the expressions of the hon. gentleman who introduced the amendment it is evidently his desire to protect the civil service in the exercise of their franchise. There has been no attempt to take the franchise from them. In 1875 we had under discussion some dismissals in Prince Edward Island, and I gave notice of a resolution in this House that no person should be dismissed except for incapacity or misconduct. The hon. gentleman from Halifax makes reference to the two translators of the House of Commons who were dismissed. That is something with which we have nothing to do: they were not dismissed for expressing their views against the Government. It is notorious that we have servants of this House who expressed themselves freely against the Government, and in the Province from which I come we have public officials who do the same. What the translators of the other House were dismissed for, was for using abusive language in speaking of certain members of the Government. If this amendment was carried it would not in anyway alter the position of that affair, but it would be taking away the liberty of the subject altogether. It is one thing for a civil servant to express his opinion with regard to the Government of the day and another thing entirely to select some particular member of the Government and speak of him in the most abusive and offensive manner. I say that such a man is unworthy to be in the public service. I have never known where any man has been dismissed from office on account of expressing his opinion on the public questions of the day. In the Province of Prince Edward Island there were several dismissals during the Mackenzie regime. One of the chief officers of the island, the Collector of Customs at Charlottetown was, dismissed without rhyme or reason, and replaced. On that occasion, I brought

a resolution up in this House, declaring that these gentlemen should not be dismissed. The then leader of the House, the late Hon. Mr. Letellier, said it could not be the case, and after I proved that it was the case, the resolution was put on record.

HON. MR. HAYTHORNE, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again after recess.

At 6 o'clock the Speaker left the Chair.

AFTER RECESS.

The Committee resumed.

HON. MR. SMITH.—I could not sit and listen to the amendment about to be proposed by the hon. gentleman from British Columbia without entering my protest. I seldom endeavor to address the House, and I do not intend to occupy more than a few moments in doing so on the present occasion. The amendment which the hon. gentleman proposes to introduce into this Bill will disfranchise a large number of respectable people from one end of the Dominion to the other—to the number of at least three or four thousand respectable citizens.

HON. MR. POWER.—Who propose to do that?

HON. MR. SMITH.—The hon. gentleman from New Westminster.

HON. MR. POWER.—He does not propose that; he proposes simply that they shall not be allowed to engage in canvassing in elections.

HON. MR. McINNES (B. C.)—I rise to a point of order. The hon. gentleman from Toronto, like the leader of the House this afternoon, is proceeding to discuss a Bill and an amendment which are not before the House. I took the liberty of saying that I do not intend to move the amendment of which I gave notice, so that I cannot be charged with disfranchising any person by the resolution which I move this afternoon and which is now before the Committee.

HON. MR. SMITH—The amendments which the hon. gentleman intends to bring in will deprive civil servants of their liberty. It will deprive them of the right to speak at an election or to attend any meeting for election purposes, or of advising a friend whom he should vote for. I ask is that a sound policy or a safe principle to adopt in a free country? I think the hon. gentleman must be getting a little astray to endeavor to disfranchise a number of respectable people because they receive pay from the Government. He might as well include senators as officers of the Supreme Court, and other officers of the civil service, who draw salaries from the Government. The hon. gentleman himself draws pay from the Government, and under the principle he advocates, what right has he to give his opinion on the hustings or mark a ballot at the polling booth any more than one of our first class clerks or the deputy head of the Department in the Civil Service? I think it is a cruel thing for the hon. gentleman to endeavor to interfere with the civil rights of a highly respectable and well educated class of men. Why should those men be deprived of their franchise, when we are extending to the poorest inhabitant of the Dominion, the privilege that the hon. gentleman endeavors to take from the civil servant because he is in the employ of the Government? I contend that they ought to have the rights and privileges that a senator has outside of this House. The hon. gentleman's amendment is a step in the wrong direction, and I cannot see how the hon. gentleman and his friends can ever hope to come into power by introducing such resolutions. I wonder that the hon. gentleman did not provide in his amendment that the punishment for a civil servant voting should be banishment to some lonely island or exile to some place like Siberia. The very fact of his introducing those resolutions now shows that if he could do so he would provide some punishment of that description. I trust that the House will not accept those

amendments. Indeed I question very much if the hon. gentleman can get a seconder.

HON. MR. POWER—I presume the hon. gentleman's resolution will be withdrawn, if the leader of the Government will introduce a provision that no civil servant shall be removed from office for speaking or canvassing against the Government.

HON. MR. SMITH—The Government of which I have the honor to be a member has done very little in that way. I am quite satisfied that there are civil servants who should have been treated very harshly for the active partisanship they displayed during the last election and the one that preceded it. I know officers of the service who took an active part in opposition to the Government but I never heard of any attempt on the part of the Government to deprive them of their positions or their salary in any shape or form on that account; and, unless they have done what no man in office should do, they have not been interfered with. I believe that it is prudent for men in the employ of the Government, not to take an active or violent or extreme part during an election, whether they be Reformers or Conservatives. The prudent course for them to pursue is to take no active part, but to vote quietly for the candidate of their choice. I can say that from the day I first employed men to the present time, I never tried to coerce any man in any shape or form, to vote with me. I say that is the proper course to take with employes, and the man who adopts it will be more respected, and his men will be more inclined to vote with him, than if he were to try and coerce them. I trust that the verdict of the House will show the hon. gentleman that he is taking a step in the wrong direction.

HON. MR. ALEXANDER—Before proceeding to discuss the character of the amendment moved by the hon. gentleman from British Columbia, I beg to observe that the remarks which have just fallen from the hon. gentleman who has just taken his seat, a learned and distinguished member of that government which has given the franchise to the Indians, come with seemly grace from him. His speeches in the past, have ever been valued for their logical argument and correct diction, and the speech to which we have just listened, comes with peculiarly good grace from a member of the government which only a short time ago enfranchised the Indians. The hon. gentleman from British Columbia very properly conceives it to be in the public interest to check the present Government in their endeavor to carry their elections by any means. Perhaps the Senator from Toronto (Mr. Smith) understands what I mean by "any means"—by the votes of the Indians. I wonder they have not extended the franchise to the squaws. We all remember a famous cartoon, representing a general Dominion election, which represented a squaw as the returning officer upon that occasion, who exclaimed that what the Indians wanted was "free whiskey and the return of Sir John A. Macdonald." The hon. gentleman from Toronto differs in his opinion from the hon. gentleman from New Westminster who maintains that no civil servant should solicit votes. I was amazed at the learned gentleman from Toronto making such a warm appeal to the House against the earnest motion of the Senator (Mr. McInnes) that the civil service shall not work for the return of partizan members. I say that the civil servants ought not to solicit votes, though they should always have the right to exercise the franchise themselves. They are the men who administer the Departments of the Government of the country. But when we know the ways and methods of the present First Minister who is the cleverest man that has ever lived, or ever will live—

HON. MR. OGILVIE — Question, question!

HON. MR. ALEXANDER — Who says question! Is there to be any freedom of speech on the floor of the Senate? It is ridiculous.

HON. MR. OGILVIE—The hon. gentleman has freedom of speech—he is speaking all the time.

HON. MR. ALEXANDER — If I speak all the time, it is because I am obliged to do so in the public interest and as a representative of the people, and the hon. gentleman has no right to interrupt me.

HON. MR. OGILVIE—We are tired of nonsense.

HON. MR. ALEXANDER—I say we know the methods of the present Government; that they will permit the civil servants to solicit votes, if they can be induced to go; but I know members of the civil service who could not be induced by any Government to take an active part in the elections. They are men of honor and their occupation is to carry on the business of the departments. Their honor generally is unimpeachable. There are no men more entitled to respect. I do not say that if the other party came into power they would be one whit better—they would probably be worse. I hope the hon. gentleman from Halifax will not be offended because I say so. There are many men connected with the Conservative party who are known to be men of honor, and they stand high in the estimation of the country. The present Government believe that they can govern the country better than the other party and upon those grounds, they think they are justified in doing many things that they would not do if it were not necessary to keep them in power.

HON. MR. OGILVIE—There is no doubt that they can govern the country better than the other party.

HON. MR. READ—Does not the hon. gentleman from Woodstock think so too?

HON. MR. ALEXANDER—I was somewhat surprised at the appeal of the hon. gentleman from Toronto after the Government had given the franchise to the Indians.

HON. MR. SMITH—Hon. gentlemen I rise—

HON. MR. ALEXANDER—Spoke, spoke, spoke!!!

HON. MR. SMITH—I said I would not trouble the House again.

HON. MR. ALEXANDER—Spoke! spoke!

HON. MR. SMITH—I would not have troubled the House again if the hon. gentleman from Woodstock had not gone out of his way to impress on the House by his sarcasm the fact that I am not a learned gentleman. Now, the expression "learned gentleman," should never be used in this House. It has never been used until the hon. gentleman used it here this afternoon. He did not use it in support of his argument, but by way of sarcasm to throw a reflection on me because I am not a classical scholar. But I can tell the hon. gentleman this, that the little learning I have I paid for myself. The hon. gentleman stated not very long ago that he never earned a dollar in his life and that he got his education—and a very superior education no doubt he had—

HON. MR. ALEXANDER—I try to act honestly.

HON. MR. SMITH—From respectable parents, and the hon. gentleman has made very bad use of the education that his parents gave him. He is a disgrace to this House, and he is a disgrace to the Parliament of this Dominion.

HON. MR. ALEXANDER — You once charged me with prevarication—a seemly charge from a common grocer from Toronto.

HON. MR. SMITH—It is a misfortune that he has a seat in this House. He is not a credit to the House, and I will say more that he has friends not very far from him who say that he is not fit to occupy a seat in this House, and that steps must soon be taken to put the hon. gentleman where he ought to be. I am not ashamed that any gentleman should know that I paid for what little education I have. I am a Canadian by adoption, I have grown up with Toronto, and I have paid for everything that I ever got there. I have

acquired no education at the expense of any other man, and I am proud to stand here to-day able to defy any man to point out that I have ever done anything directly or indirectly that would be considered disgraceful or dishonest, or for which I should be ashamed to stand up here and address this honorable House when I have occasion to do so. I think it is beneath the dignity of any hon. gentleman to speak as the hon. member from Woodstock has done; no gentleman would make use of the language he has uttered to-night, simply for the purpose of reflecting on me because I have not, unfortunately, a college education. I say it is unworthy of a gentleman and I say God forgive him for he knows not what he says.

HON. MR. ALEXANDER—The hon. gentleman once charged me with prevaricating, a very seemly charge from a common grocer from Toronto.

HON MR. VIDAL—In the course of the remarks which have been made in reference to the matter now engaging our attention, my hon. friend from New Westminster, and some others, seem to have a most decided objection to any reference whatever being made to anything but the subject matter which is before us as an amendment. Now, I do not know any member of this House, who more grossly and more frequently deviates from the rule, than the hon. gentleman himself. It is only a day or two ago we had a motion of his before us, about the immigration of pauper children. Hon. gentlemen must remember how widely he wandered from his subject to discuss commercial union, unrestricted reciprocity and other things.

HON. MR. MCINNES (B. C.)—The hon. gentleman is misrepresenting me. There was a distinct reference made in the resolution to reciprocity with the United States.

HON. MR. OGILVIE—Order, order.

HON. MR. MCINNES—I rose to a question of order, and I am speaking to a question of order, and I ask the Chairman to pronounce whether the hon. gentleman is in order in stating that I had no allusion to reciprocity with the United States in the motion which I submitted to the House the other day?

HON. MR. VIDAL—There is no need to appeal to the Chairman. I appeal to the House, and the whole House knows it was as I state. Now is it not the practice in this House, and especially in Committee to allow the widest scope to such references? Then again the hon. gentleman objects to having any reference made to statements and sentiments which he has not only expressed in his speech, but has paraded before us on the order paper day after day.

HON. MR. MCINNES (B. C.)—Have I not stated that I intend to withdraw that resolution?

HON. MR. VIDAL—I do not care what you say you intend to do, but what you have done. Were not those resolutions placed on the order paper for the purpose of calling attention to the fact that these were the sentiments of the hon. gentleman from New Westminster, and if these are not really his sentiments, why are they put in print and paraded before us for so many days? I claim that we have a perfect right to refer to them in the way reference has been made by hon. gentlemen on the present occasion. Now, with regard to the subject which is before us more particularly, the action which is proposed to be taken has been very justly condemned by hon. gentlemen here as being an unnecessary and certainly an improper interference with the House of Commons in the management of their own domestic affairs. No gentleman would stand up more strongly than I would for the maintenance of the constitutional rights of the Senate, and I do not for one moment admit such a contention as to say we have not a perfect constitutional right to make any amendments we see fit; but there is a vast difference between our constitutional right, and what is proper and expedient for us to do. It cannot be denied that there are many things connected with the proceedings of the House of Commons in the management of their affairs which would be most unseemly and improper

for us to interfere with; at the same time I see no difficulty in drawing the line of distinction very clearly as to where such interference becomes right and expedient: if for instance a measure relating to elections should come before us containing a clause which interfered seriously with the rights of some of the people, or in any way seemed contrary to the public interest, then it would become our duty as protectors of those rights to deal with that clause and strike it out. Suppose the Bill now before us had come down to us with such objectionable words as these which the hon. gentleman proposes to add that any member of the civil service asking another man to vote for a particular candidate should be liable to a fine of $1,000, or a year's imprisonment, or both, it would be our bounden duty to refuse to sanction such an encroachment on the rights and privileges of our people, and to throw it out. I hold also that when it is contended that the civil servants should be deprived of the right not only of canvassing a friend but of their right to vote, it is such an outrage that we would be derelict in our duty to the public if we did not eliminate such a clause from the Bill. Let us suppose a case. Let us suppose that Mr. Richard and Mr. Lawrence, two worthy members of the Liberal or Reform persuasion in the civil service, hear that a neighbour, Mr. Green, has been visited by the naughty Tories, and that he is likely to be influenced to vote on the Conservative side. They naturally feel interested; they think the man has been deceived, and they go out and remonstrate with him in order to put him right. It is long after civil service hours, they have fully discharged their duty to the public for the day, and pay Mr. Green a visit. Is the fact of their devoting that time, which is their own, in endeavoring to remove what they consider are wrong impressions in the mind of their friend, to render them liable to be put in gaol for twelve months, or to pay a fine of $1,000? I say that if such a clause as is now proposed, were put in the Bill, this would not be an improbable case. That there is a degree of impropriety in a civil servant taking an active part in election matters I fully admit; and, moreover, they themselves, agree with us in that. Do we find one in 500 of the members of the civil service taking an active part in political elections? I say we do not. They have a perfect right to remain at home, or to simply and quietly record their votes, and as a rule they do so. If a civil servant does take an active part in elections against the Government, he does so with his eyes open, and with a strong conviction perhaps that his party are going to turn the Government out and that his friends were coming into power; consequently we can easily understand that some zealous partizans do go wrong, but they do it with a perfect knowledge that they run the risk of being dismissed if the party they support do not come into power. I do not think there is any necessity by the force of law to enforce upon them that which a sense of propriety and right feeling will impel them to do of their own accord; and there is no use of encumbering our legislation with such clauses as this, more especially when the House of Commons, dealing with its own affairs, has not in the least interfered with the rights and privileges of any of the voters of the country.

HON. MR. BELLEROSE—I am surprised at the opposition which the Government and their supporters are making to this amendment of the hon. gentleman from New Westminster, (Mr. McInnes). I recollect a case where an officer of this House was recommended an increase of salary or a bonus, and it was refused on the ground that he had meddled with elections, working against the Government. An hon. member of the Senate had then said:

> "He was not a party man, but he did not believe in indecency of conduct and insubordination on the part of humble employees, of the Government in political elections. He would concede the right of civil servants going to the poll and voting as they pleased, but he objected to an officer of this House taking an offensive part in an election against the Government."

It seems then that officials have the privilege of canvassing against an Opposition candidate, but if he canvasses for the candidate opposed to the Government there is no impropriety in it, such

a policy cannot be authorized by Parliament. It is then a great deal better to place in our statute book a provision defining the duties of public officials, and stating what they may and what they may not do? It would be cruel to leave the views of Parliament unknown and leave to Ministers the advantage of punishing officials who may have canvassed against their friends—I believe that the amendment of the hon. gentleman from New Westminster is a good one, and I say so from my experience and what I have seen of politics in Canada during the past twenty-five or thirty years. I waited until the close of the discussion to see if there was any serious argument against the amendment, but I must confess that I have as yet heard no valid objection. Judges are prohibited from voting, because they are required to be disinterested, independent gentlemen. I say that officers of the civil service ought to be more disinterested and more independent even than judges. Governments change. To-day they may be Tories, while to-morrow Liberals may be in office. Supposing the present Government were overthrown to-day and the Opposition came into office; if the new Ministers had none but strong partisan supporters of the preceding Government around them, what confidence could they have in them? How could they rely on them? Would they not hesitate to trust them when in so many cases they might seriously injure the Government? It is contended by some hon. gentlemen that the civil servants should have the right to vote, but not to speak at elections. For 6,000 years past human nature has shown what it could do and what it could not do, and I say that it is not possible for men in general to have political leanings and to be actuated by party feelings, and not to show it? I say it is impossible. We must take things as they are, and I believe that under the circumstances the amendment proposed by the hon. gentleman from New Westminster is a very good one. It has been said that it would be making slaves of the civil servants. Our judges have not the right to vote, and they are not considered slaves for not enjoying this great privilege. As to civil servants as they stand now, they are slaves. But under the law as the amendment of the Hon. Senator (Mr. McInnes) will make it, they will not. To-day when elections take place the civil servants are coerced into voting and canvassing for the Government. Was it not so in the last election? Have I not seen public officials who were coerced into going out voting and canvassing or be exposed to be discharged from the service? This is a state of slavery which Parliament ought not to tolerate and it is what the civil servants are liable to at any time under the present law. Would it not be far better to amend the law and enact that no civil servant shall have the right to interfere in elections? Then, anyone who joined the civil service would know what was expected of him, and it will make those who are now in the service more independent men, because they can then do their duty for those who employ them. As the country must be governed by one of two parties, it is the duty of the civil servant to stand neutral between the two, so that whatever be the politics of the head of a department, he may feel that his officers are devoted to their public duties, and that they are prepared to do what is right, and what is in the interest of the public, wholly irrespective of parties.

HON. MR. POIRIER—I might be excused for taking part in the discussion of this subject, because I have been a member of the civil service and naturally take a deep interest in all that concerns that institution. I am sorry I have to differ from some of my good friends on this occasion, and particularly the hon. gentleman from Delanaudiere. I believe that it is unfair to compare the position of civil servants with that of the judges respecting this question. The judges are not allowed to vote, from considerations of public decency. It is hardly expedient or convenient that the men before whom the final settlement of a political contest come, should have their minds biased beforehand by being allowed to take part in the election. This does not apply to the civil servants, and therefore the comparison is not a fair one in this case. Ever since this

discussion commenced I have been studying the amendment offered by the hon. member from British Columbia, and I have tried to arrive at the conclusions which will practically be reached should it be carried. Those conclusions I find to be very incoherent, to say the least. Take the case of a civil servant who is inimical to the Government of the day, and who has taken an active part in an election. Judges would have first to decide what taking part in an election means, and it may be that voting would be considered as "taking part." Now the employe having been proved guilty of opposing the Government in an election, what does the Government do? The Government commences by dismissing him. That is not the worst of it: he is brought before a tribunal and condemned to what? To a penalty ranging from $1 to $1,000 or to spend one long year in gaol with criminals guilty of every sort of crime. This civil servant, after his imprisonment, leaves the gaol a complete wreck. He has lost his situation and is thrown on the world after associating a whole year with criminals. He is not supposed to be wealthy when he goes to jail, and if he has to pay $1,000 fine it certainly does not improve his circumstances. For my part I cannot, as an old civil service employe, support a bill that would be so disastrous to the service, and so liable to be utilized to gratify personal enmity. Now, I will suppose a case of an employe who is an ardent supporter of the Government. When my hon. friend from British Columbia stated that he was corroborated in his view by the Deputy Minister of Marine and Fisheries, I, to use a vulgar expression, smelled a rat. I happen to be well acquainted with that gentleman in the Marine Department. I remember that gentleman making a strange answer to a poor employe, married and father of five or six children, a perfectly worthy character who could give odds to any preacher of total abstinence. He had a salary of $550 a year, a large family, and could not keep out of debt. He went to see the Deputy and asked him for an increase of salary. What was his answer? "My young friend, remember this principle, which I have always adhered to; a civil servant ought to be satisfied to live on two-thirds of his salary and put one-third aside for a rainy day." He, the Marine man, had a salary of $3,400 a year. The employe went away without the increase, and the Deputy Minister has continued ever since putting by at least one-third of his fat salary. Now, here's where the rat come in—I suppose this miscreant employe to be a friend of the Government. He is found guilty of interfering in an election. The Government do not wish to dismiss a man who is an ardent supporter of theirs. What would happen, supposing that man to be Mr. Smith, the Deputy Minister of Marine? He is found guilty before the court and sent to gaol for one year. In his case, the Government would continue paying his salary of $3,400 a year, and at the end of the term, that gentleman would come out of gaol, having not only saved one-third, but the whole of his salary. I am afraid it will give temptations for persecution, and I do not believe that the ultimate result of adopting such a provision would be very satisfactory. I have been sifting these conclusions, and I find that they are hardly applicable. As a class, the civil servants are very respectable. They are here under no false pretences. Most of them have abandoned all other means of making their way in the world. Some of them might not now in any other trade or calling be earning the wages they are getting here, but many of them would be earning more; therefore it is a chance for better or for worse. They have come here and are giving the country all their energy, their intelligence and their time. They are paid a salary for their work, and work for their pay. Why should they be sent to gaol or fined a large sum of money for interfering in an election, as though they had transgressed a criminal law? The voting for one party or for the other is no violation of the moral law. It may be a transgression of a political law, but it should not be treated like a transgression of the moral law, and I object to the word gaol or misdemeanor, or fine or punishment, in the case of an employe who happens to speak a word on behalf of a personal or political friend who is running an election. I hope this amendment will

not be adopted by this House. What would my hon. friend do to a servant whom he had himself employed if he transgressed some domestic regulations? The most he could do would be to dismiss him after paying him his wages. What sort of a law would it be that would allow the hon. gentleman to cast into gaol a conscientious servant who voted against him for example? The law applies to the government as to individuals, and if a civil servant votes against the government the most they should be allowed to do is to dismiss him, but not to further punish him. I do not doubt the good intentions of my hon. friend, but the goodness of them is certainly very remote. As Longfellow says as applied to some of our Nova Scotian scenery, it is "indistinct in the twilight." This amendment will certainly not be adopted, but if it should the first to regret it,after he saw the result of his workings, and the dire consequences of it,would be the hon gentleman himself. If he saw one of his friends in jail or ruined forever because of the operation of this law, he would be the first one whose heart would faint in him, and he would regret that he had sent a poor employe to jail as the resutt of this indiscreet legislation.

HON. MR. OGILVIE—The hon. gentleman from De Lanaudiere has given us his reasons why this amendment should be adopted, and if I am correct, I believe he was applauded by the hon. gentleman from Halifax for the arguments he has used. Now I think that if there is any hon. gentleman in this House who should have refrained from supporting that amendment it is the hon. gentleman from DeLanaudiere, because he knowns as well as I do that he has appealed on many occasions, not only to employes of the Government but to members of the House, to assist him in carrying out his party feeling in a great many instances and his appeal many times seemed to be very unfair. I cannot understand how it is possible that any member of this House can support an amendment such as that proposed by the hon. gentleman from British Columbia by which a servant in the employ of the Government should not be allowed to give a free vote or to say to his friend "I think you had better vote this way, that way or the other way." I cannot understand why the franchise should be taken away from civil servants, or that they should be made slaves simply because their time is bought by the Government, the same as I buy the time of the men who work for me. I do not think we should consider that we have bought their souls as well as their bodies for the small salaries that they receive, and that is what this amendment means exactly. When men work for me and do their duty during their working hours, that is all I want of them, and it is no business of mine what they do with their time after working hours. They have just as good a right to vote for or against me,as they have to sell me their labour, and I do not see why a Government employe should not have a perfect right to vote as he pleases, just the same as an employe of any merchant or manufacturer.

HON. MR. POWER—Yes, but not to canvass.

HON. MR. OGILVIE—Or canvass either. As to coercion, I have been an employer of labour in the City of Montreal for thirty years, and the only coercion I have ever used in my life is this: I called my men together one night and told them that I thought such a man was the best man to be elected for Montreal West, and I said "you are at perfect liberty to vote as you please, everyone of you; but I think what is for my interest is for yours and I shall feel extremely obliged to you if you vote for my friend. If you do not vote for him, it will not make a particle of difference, you will have your places just the same." That is not coercion, and I say to take away the right of voting from the civil servants would be most unfair and most unjust. We do not want to reduce our intelligent civil servants to the same position as Paddy's steam engine—"You may puff, and whistle, and work, but begorra you can't vote."

HON. MR. MCCALLUM—I consider

it is a very serious question for the Senate to propose to take away the rights of civil servants of this country to vote in elections. It is the right of a free man to vote as he thinks proper. The hon. gentleman forgets that we have vote by ballot in this country now, and the employe can vote as he likes and no one knows how he votes. The House of Commons which is most interested in this matter, has passed a Bill giving those people the right to vote and are we going to take away that right from them?

HON. MR. POWER—That is not the question before the House.

HON. MR. McCALLUM—Have not the civil service the same rights as other individuals in the community? Are they not consumers of dutiable goods? Do they not pay taxes in this country? I say that a civil service employe who goes out openly and takes part in an election does so at his peril. If he goes on the stump and takes an active part against the Government, and offers a violent opposition, it is another matter and he runs the risk of dismissal; but to take away from a civil servant the right of take part in an election, by voting, is a matter that should be carefully considered. It is the right of a British subject to say who should govern this country, and I shall have much pleasure in voting against the amendment of the hon. gentleman from British Columbia, and I speak here after years of experience in elections, because I believe the people of this country do not want their public servants to be slaves. I know of no class of people in this country who are better able to exercise the franchise intelligently than the civil service and I should be very sorry to take that privilege away from them.

HON. MR. BELLEROSE—The hon. gentleman from Alma (Mr. Ogilvie), has made a personal attack on me and said I should be the last man to take the stand which I have taken, because on many occasions I had made use of my influence not only on public officials, but even on members of the House to assist me. I have been over twenty-five years in public life and I defy any man to come forward and say that I ever influenced a vote in my interest. I may have, sometimes, when requested to do so in years long past, by some of Sir John's colleagues, asked officials to vote for their candidate. But for myself, never. Indeed, it was never necessary that I should do so. I have been elected always in my political career by acclamation, and so did not require to solicit votes for myself. The question before the House is not whether officials shall be prevented from voting, but whether they shall be allowed to take part in elections. To direct his argument against me the Hon. Senator for Acadia (Mr. Poirier) had to change my argument, showing by so doing that he could not attack the position I had taken. I never compared the civil service officials with the judges. On the contrary, I said that if it was found necessary to refuse to judges the privilege of voting, *a fortiori* all public officials should be refused the privilege. Judges, when appointed, are quite independent of Governments and Parliaments. Up to a few years ago they had no political questions submitted to them, while civil servants are political officers; they are the servants of political chiefs, whose confidence they must possess. Those political chiefs change sometime or another, sometimes frequently. How could they possess the confidence of their chief officer to-day, if they were at war with him the day before?

HON. MR. DEVER—If I were to be influenced by remarks of gentlemen on either side I would not know what to do, because the arguments on both sides have been strong and somewhat logical. But there is one point I cannot get over, and it is this: I do not feel disposed to curtail the liberties of any portion of our people unless they make application for it. I am not aware that the civil servants of this country have asked to be deprived of their vote, and I do not see why we should voluntarily restrict those gentlemen, whom we should look upon with the same pride that we do on other members of the community. Every man should be made to feel an interest in his country and there is no way that you

can bring that about so well as to give him the power of voting for his representatives in Parliament, and the right to take part in the discussion of public questions. When we look abroad and see other countries where citizens have been deprived of those privileges, we see how discontented they are and how anxious they are to come to this land of freedom, where it is known now that every man is equal in the eyes of the law, and where all have a voice in the selection of their representatives in parliament. Therefore, I feel that we have no right to cast suspicion on any class of the people, much less the young men who are placed in positions of trust —educated gentlemen, many of them connected with the best families of the country. I should wish that some of them were more reticent in elections; and from my knowledge of the civil service in the portion of Canada from which I come, there never has been any complaint of improper interference of civil servants in elections. I have always found them careful and anxious to give satisfaction to all our citizens, feeling that they are being paid by the common taxes of the general public. Looking at the matter in that light, I think, myself. and I believe it is a common understanding with our civil servants, that they should not interfere unnecessarily in elections and to deprive them of the right of voting or even to recognize the principle that would lead to a deprivation of that right, is something I cannot countenance.

HON. MR. OGILVIE—I may have been wrong in making the statement I did about my hon. friend from Delanaudiere, but I still think I was right. I said he should be the last man to try to deprive any man of his vote, because he has himself used all means—I speak advisedly when I say all means—to get votes when it suited his purpose. He has told you here that he has been elected by acclamation always, and he was appointed to this House by the hon. gentleman who is at the head of the Government now. I would be the last man to say anything that would tend to arouse prejudice of race in this country, because I contend I am as good a French Canadian as any man of that nationalty in this House. I have lived amongst the French Canadians and like them, but I would ask the House to permit me to read two or three sentences here from a speech of the hon. member from Delanaudiere, which will probably explain why I said that he should be the last man to say anything of this kind here. Shall I be permitted ?

HON. MR. BELLEROSE—Read !

HON. MR. OGILVIE—At the nomination in Laprairie in 1887 the hon. Senator Bellerose, in his remarks was cheered to the echo. He declared that the English in this country were the oppressors of the French Canadians. He could prove it.

"Why, only five weeks ago, an old employe, named Rattey, who has served the Government faithfully thirty years, required a small bonus of $100 for the expensive dress required as messenger in the Senate. The matter was brought before the Senate, and this small reward of $100 for thirty years' faithful service, was refused." (Cries of shame). "Do you know why ?" said the speaker, "need I tell you why—because Rattey is a French-Canadian. Another employe named Gibbs was given an increase of $300 per annum, and so was another employe (which is not true, because Mr. Gibbs did not receive that, though I wish he had).

The report continues :—

"and also another employe named Stevens, because they were Englishmen. (Cries of shame, shame). It is time that the French-Canadians should unite and keep a watch on their common enemy. If this is not done, their liberty will be wrenched from them."

It pains me to say this because I am as much a French Canadian as an Englishman. I think it is unfair for my hon. friend to make speeches like that about what is done in this House. It was unfair and it was not correct, because the statement about Mr. Gibbs and Mr. Stevens is wrong.

HON. MR. BELLEROSE — What newspaper is the hon. gentleman reading from.

HON. MR. OGILVIE—The *Star*.

HON. MR. BELLEROSE—The first time I spoke I answered the hon. gentleman quietly, and did not say a word which could wound his feelings, but this time I must tell the hon. member that it is not honest on his part to read the attack, and not read my defence, denying these statements, in the same journal, the *Star*. To my defence the *Star* never replied, because they were wrong. It is unfair of the hon. gentleman to read the attack without reading the reply, I repeat. Then as to my speech in the House, it is unnecessary to go to the newspapers for it. I hold in my hand the official report of the debates of the Senate. Let me read an abstract of my speech on the occasion referred to. I am reported to have said on the 20th June, 1887 :

"It seems that the great point with some hon. members is, whether a man is rich and educated, or whether he is poor. If he is rich, he must receive more money, if he is poor, he should remain poor all his life. I have always considered it my duty to advocate the cause of the poor man. I am in favor of economy, but I have never refused to vote an increase of salary to a deserving official, because a man does not belong to my nationality. Why is it, that whenever a French-Canadian's case comes up before us, we must consider the pay of some Englishman before an increase is granted, and then allow both an increase. A French officer is recommended for an increase, and we are told that we cannot be increasing salaries. That we have no such powers. That this House have been increasing salaries every year. We cannot become a united people in this country if there is discrimination against any particular race I wish to be a Canadian. There is only one way to bring about a union, which will be more than a union on the Statute Book, and that is by doing justice to every man, irrespective of his origin."

Now, this shows that, far from having been aggressive, I was then acting in self defence, asking for justice for one of my own countrymen. I should think it would have been much better for the hon. gentleman if he had kept within the limits of the subject under discussion and dropped all personal feelings which, it seems, my independence has roused in him against me. It is not honest to go to newspapers to impeach me when my speech is here in the Senate Debates. The *Gazette* and the *Chronicle* attacked me, and I think the *Herald* also, on that point. I replied to each one of these newspapers. That was twelve months ago and I am yet waiting for a reply to my defence. No reply was possible. I proved that I could not have said what was attributed to me. I said to one of them, "either your reporter was mad, or drunk, or dishonest." That reporter was a Frenchman who reported in English. With the other one I dealt more leniently because I spoke in French and he reported in English.

HON. MR. MACDONALD (B. C) — After hearing the discussion on this question I have come to the conclusion that there is a very good principle underlying the amendment moved by the hon. gentleman from New Westminster. The reason why I say so is this, that nearly every hon. gentleman has acknowledged freely that civil servants should not take part in elections. In saying that, they acknowledge that this amendment, or something similar to it, would only throw a safeguard around those civil servants and prevent them from being coerced by their superiors. At the same time, while saying that, an amendment of this kind should be made in the House of Commons whose members are more directly interested in the matter than we are. I think the hon. member from New Westminster does not deserve the scathing remarks which have been made by the hon. gentleman from Sarnia. There is nothing so very outrageous about the amendment that I can see, because the principle has been admitted by the gentlemen themselves, that civil servants should not take part in elections. I will not vote for the amendment because, as I have said, it is a matter which belongs entirely to the other branch of Parliament. I hope my hon. friend will withdraw the amendment.

HON. MR. MCINNES—I intend putting the whole motion instead of putting it in sections as I proposed to do this afternoon, and will make a few amendments to three of the sub-sections. I wish to add after the word "election" the following words—"other than voting"

HON. MR. HOWLAN—That cannot be done without notice.

HON. MR. POWER—The hon. gentleman is not required to give any notice of the amendment.

HON. MR. HOWLAN—I take issue with the hon. gentleman at once. We have no notice of the amendment.

HON. MR. POWER—In committee it does not require notice.

HON. MR. HOWLAN—It does require notice. Notice has been given of a certain amendment and it cannot now be altered.

HON. MR. MILLER—There is no notice necessary at all in this case, and if no notice is necessary in the first place the hon. gentleman can move any amendment he pleases.

HON. MR. HOWLAN—Yes, if he drops this notice.

HON. MR. MILLER—To all intents and purposes he drops it when he changes it.

HON. MR. MCINNES—I wish also to change the penalty to $200 instead of $1,000, and two months imprisonment instead of twelve months. When I gave notice of this motion a few days ago, and even when I moved it this afternoon, I had not the faintest idea that it would cause any protracted or acrimonious debate, and I must confess I was disappointed and surprised when I heard the leader of this House and a number of gentlemen who followed him, discussing it in the warm and partizan spirit they did. It was foreign to my mind to discuss it from a partizan standpoint. I moved in this matter, as I stated this afternoon, wholly and solely in the interests of the civil service, and since giving notice of that motion, over twenty civil servants in Ottawa have come to me, from the Deputy-Minister of Marine downwards, and approved of it, and expressed the hope that it would become law. Mr. Smith, Deputy Minister of Marine, who was in the civil service in Scotland, told me that civil servants in that country are not permitted to vote, or take any part in elections, and that he had never exercised the franchise since he came to this country.

HON. MR. POWER—That is not the question here.

HON. MR. MCINNES—I am showing the desire of the civil servants. The amendment as to voting may be extreme, but this motion I say is in the interest of the civil servants and the state. I have been told that no pressure is brought to bear on the civil servants. I have in my mind now the case of a Government official occupying an important official position who, I am informed, attended every meeting, private and public, held by the candidate of his choice, and on the day of election not only went out and worked and canvassed, but took a Government team and waggon and used it all day to carry voters to the polls. A number of men who were opposed to him in politics were deprived of the privilege of going three quarters of a mile to register their votes. I ask hon. gentlemen is it reasonable to suppose that if there is a change of Government a man like that can be retained in the public service of Canada? That man was not actually serving his country, but was working in every way for a certain political party, and neglecting the duties the country is paying him a handsome salary to discharge. I have no doubt that civil servants belonging to the other party have been guilty of some unjustifiable conduct, and that is why I contend that there shonld be a law on the statute book to prevent these men violating all decency in matters of this kind. What became of the gentleman to whom I have referred, who worked so hard for the Government candidate? Was he censured by the Government? Yes, in the same way that all civil servants who work for Government candidates are censured: he got a few hundred dollars more per year added to his salary. If he had been on the other side, what would have been done? He would have been dismissed forthwith, because he had made himself obnoxious to the powers that be. It is all very well to work as

hard and faithfully as possible for the Government candidate, but he must not dare to solicit votes for the Opposition candidate on peril of being dismissed forthwith. My hon. friend and colleague from Victoria, the leader of the Government, and the hon. gentlemen from Richmond and Sarnia, said it was rather unseemly that legislation of this kind should originate in the Senate I take an entirely different view: I think it is from a body like this, which ought not to be partizan, though unfortunately it is, that these reforms should come. We ought to view public questions more calmly and deliberately, and in the public interest. We are in a better position to see what the law should be than those who are blinded more or less by partizan feeling in the other House. We are acting here in a judical, as well as in a legislative capacity and I claim that it is our duty to encourage the introduction of legislation of this kind. If the leader of the Government in this House and his supporters would initiate and encourage more legislation in this House than they do, the Senate would stand much higher in the estimation of the country than it does at the present time. It is certainly a humiliating confession for those stereotyped Tories to make that we are only here to register the will and wishes of the other branch of parliament. Such speeches by these hon. gentleman have lowered and are degrading the Senate and making it unpopular in the country.

HON. MR. VIDAL—Nobody has said that.

HON. MR. McINNES—If they have not said it in so many words their actions, which we are told speak louder than words, must convince every one of the fact.

HON. MR. MACDONALD (B.C)—In matters relating to the election of members of the House of Commons, legislation should initiate in that body.

HON. MR. McINNES—I cannot see what difference it can make whether legislation relating to elections originates in this House or in the Commons. We have coorrdinate powers. If the Bill had come to us and we had found a clause like this in it, will any one say that the majority in this House would attempt to throw it out? No, it would have been supported by all the arguments that could be brought to bear on the subject.

The Committee divided on the amendment which was rejected—contents 16; non-contents, 33.

HON. MR. POWER—I understand that the Bill with respect to the franchise is not coming up, but probably the amendment I have to suggest would come more properly in this Bill. I wish to know whether the hon. leader of the House does not think it would be desirable to insert some provision to prevent the recurrence of what took place in the Queen's County, New Brunswick, case, where a recount took place under chapter eight of the Revised Statutes; and a judge of the Supreme Court, while that recount was taking place before the County judge, took the proceedings from before the county court and put an end to the recount. It seems to me that in a matter of this particular kind the County Court judge was really as high an officer as the judge of the Supreme Court, and that the latter had no right to interfere with the proper carrying out of the election law. I wish to know whether the leader of the House does not think it desirable, while this bill is going through, that means should be taken to prevent any such interference in the future?

HON. MR. ABBOTT—The suggestion which my hon. friend makes does not appear to depend on this bill or to be in any way connected with it. The subject is not before us. I know nothing at all about the facts. If a judge of the Supreme Court thought fit to issue an injunction, he was acting in his official capacity, and according to his view of the law. I am not prepared to say in what way we would go to work, to pass a law that could prevent a judge of a higher court from issuing an injunction against an inferior court. I know it is something which could be done, but it would require a

great deal of care and a knowledge of the organization of the courts of New Brunswick. I do not profess to know what that organization is, and I really could not undertake to say, without some careful examination, whether anything could be done, and if anything could be done what it should be. To propose such a serious measure as that on the last day but one of the session, is to propose something which we could not attempt. Even if such a measure is necessary, it is not likely that any great injury will be done to the public interests between now and next session. And then, if it is necessary to interfere, something could be laid before the House with a view of trying to provide for this case, if the judge's action was wrong. I do not know whether it was right or wrong, the facts, are not before us to form a judgdment upon.

HON. MR. WARK—I know a little about the facts, because I live near the place. They are these; the returning officer appointed his deputies. He received the deposit of $200 as required by law. His deputies held the election in the different districts and returned the ballots, and the returning officer decided that because the money was not paid by the proper agent into his hand, the election was void, the whole proceedings were void, and he returned the candidate having the minority of votes, as if by acclamation. Of course, the legally elected candidate applied to the judge of the county court for a recount. Now, the law intends that there shall be no delay. If there is a recount to be applied for, it must be applied for within four days, and if the judge is to hold a recount, he must notify the returning officer and his clerk within four days, so that there will be no delay in deciding who is to represent the constituency. Within the four days, the judge of the Supreme Court interfered, and prohibited the recount taking place. Now, this was an unwarrantable proceeding for which there could be no precedent and there should be no difficulty at all in framing a clause to prevent such an abuse of power again. The consequence in that case was that the man who was elected was deprived of his seat. A decision has not been reached in the snpreme court in that case, and in consequence of the delay that took place before a decision could be had, the party who was improperly returned resigned his seat and a new election was held.

HON. MR. ALMON—Who was elected?

HON. MR. WARK—It was proved that more votes were polled in some districts than there were voters on the list, and the people who were appointed as deputy returning officers were actually caught slipping their fingers under the table and changing the ballots. You need not ask who was returned when men are elected by such proceedings. These are the facts. There can be no difficulty at all in framing a clause which would prevent a county court judge, when discharging his duties as directed by law, from being interfered with by any other authorities.

HON. MR. ALMON—I am sorry to hear that the state of the law in New Brunswick is so bad. New Brunswick once belonged to Nova Scotia, and she should remember that when she was there she knew what the law was, and should practice it. I have read a good deal about this case and it seems to me there is no need of a new law. The man who had the majority of votes, instead of taking prompt action as he should have done, sulked. If, instead of sulking, he had appealed to the judge and had the election tried over again, he would have had his rights, but if they conduct elections in New Brunwick in the manner the hon. gentleman describes, what is the use of giving them an election law at all?

HON. MR. ABBOTT—Hon. gentlemen will perceive, from the very statement of facts that the hon. gentleman has given us, that no legislation should be taken up at a moment's notice to deal with a case like that. According to his statement of the facts, he is of opinion that the judge acted illegally—that he mistook the law altogether, whether intentionally or not.

Now, if that is the case, it is impossible for us to pass a law to give brains to judges. They are bound to act according to their discretion and judgment as to what the law really is; and if a judge should commit some atrocious act, such as my hon. friend evidently considers this to be, through error of judgment, we cannot avoid that by any law that we could pass. At all events, with nothing but the statements before us, which are obviously statements made under strong impressions and strong feelings, it is impossible at this stage of the session to frame legislation for preventing a possible recurrence of what my hon. friend has described. I submit to the House whether it is expedient, when there is no pressure upon us for immediate legislation on the subject, to ask us to set to work and frame an important amendment to the Contested Elections Act, in order to prevent an occurrence which can hardly ever occur again, I should imagine, after what has been said about it; and if it should, is not at all likely to occur again between now and next session. If there is any desire for legislation, why not bring it up at the beginning of the session and let us have a full discussion upon it?

HON. MR. MCCLELAN—I might say if the matter of amending the election law and other important matters are brought in at the close of the session, I do not know that the hon. gentleman from Fredericton is at fault for that. I do not know where the responsibility for delay should rest except on the government themselves. It seems to me that matters so important as amending the electoral machinery of the country might be presented to us at a much earlier stage in the session. It seems to me that the suggestion of my hon. friend from British Columbia is much more tenable and consistent than this chamber would be led to suppose from the remarks which have fallen from the leader of the government. The machinery which the election law provides for a re-count of the votes after the election, is a part of the machinery which the government of the country have provided for the holding of an election, and that provides that, upon application to the county judge within four days, the party complaining may have a re-count of the votes. It is one of the privileges which the law of the land is supposed to confer upon an unsuccessful candidate in an election. If that be a part of the machinery, I take it as a matter of common sense that the county court judge comes to be a necessary part of the machinery of the law. He comes to be, in fact, one of the election officials, and his judicial capacity is, to a certain extent, merged in his official capacity and there are certain duties provided by the machinery under the Act which he has to perform. It would seem strange if the law should be so left that any part of this machinery can, by any possibility be impaired, because if it can be impaired in that way, by the interposition of some other authority, then that part of the law falls to the ground and the injustice is likely to occur in more cases than one. The object of the law providing for a re-count is to redress some grievance at the time, but it would be impossible to get a re-count under any circumstances if the proceedings before the county court judge should be intercepted in the way it was in the County of Queens, New Brunswick.

HON. MR. ABBOTT—Does my hon. friend say that that judge acted illegally?

HON. MR. MILLER—If the judge acted illegally, then it is not a question of any fault in the law but a fault in the judge, and there is no protection from a judge who desires to act illegally no matter what the law might be. But under our system of jurisprudence wherever a judge acts illegally there is always redress, and I think the whole trouble in the case referred to, if the party conceived he had been illtreated in the court below, is that he did not appeal for redress. I think it would be a very serious matter to attempt in this manner, so hastily and without proper consideration, to interfere with the appelate jurisdiction of any court. I do not know but what it might be wise, if anything can be done, to prevent a violation of the law such as has taken place, in the future, but I do not think

it should be so hastily enforced on the House; and I take it for granted, if an important amendment like that is made to the Bill, it can hardly be considered in the other House this session.

HON. MR. ABBOTT—I asked my hon. friend from Hopewell, and he does not profess to be able to form an opinion, whether the action of the judge was legal or illegal. I profess myself to be unable to decide at this moment whether it was legal or not. If the hon. gentleman thinks there is something which requires a remedy there, he has the same right, as any member has, to introduce a Bill for that purpose. I was not reproaching hon. gentlemen for not bringing in a Bill. I think my hon. friend on my left spoke of it yesterday, but I certainly did not know there was a necessity for legislation on the subject. What I said was simply to excuse myself, and to excuse the Government, from taking up this question at this stage of the session.

HON. MR. McCLELAN—The point I wish to make about it is, to call attention to the fact that there is something wrong with the machinery of the election law in the way I have attempted to explain—that one part of it, and a very necessary part too, is not in proper shape and may not work, and it does strike me that so important a law as this should not be left without providing some remedy if it appears to be a palpable injustice.

HON. MR. DEVER—It is clear it is not the fault of the law, but the fault of the judge.

HON. MR. POWER—I do not think gentlemen on this side of the House are open to the reproach which the leader of the Government has cast upon them for bringing this matter up.

HON. MR. ABBOTT—I made no reproach at all.

HON. MR. POWER — What is the position? The Government introduced a Bill in the House of Commons to amend the election law: the Bill is now before us—and section sixty four of the election law makes a provision for a recount of the ballots by the county judge. Now what could be more appropriate than to move an amendment to that section 64, when this Government Bill to amend that chapter, is before the House? If any hon. gentleman is able to tell me a more appropriate time, I shall be glad to hear it. It is all very well for the leader of the House to say that any hon. gentleman can bring in a bill to amend the election law; but we can readily understand what chance a bill introduced by an Opposition member would have of getting through this House. As the hon. gentleman from Hopewell says, the county judge is part of the election machinery, and if the judge of another court can come in and stop that machinery from working by issuing an injunction then the rights of the electors are completely in the hands of the Supreme Court and its judges.

HON. MR. ABBOTT—Was the judge of the Supreme Court acting legally or illegally in stopping the recount in the county of Queens?

HON. MR. POWER—I do not think we are called upon to answer that question. It should not be in the power of a judge to stop that recount. A man who was elected and had a large majority of votes, should not be kept out of his seat for a year or two years until the judges of the Supreme Court should choose to make up their minds on the appeal. The man who had the majority of votes should be allowed to take his seat, and let the minority candidate fight the matter out in the courts.

HON. MR. ABBOTT—If we were to put into the statute book everything which is illegal for a judge to do, what kind of a statute book would we have? My hon. friend does not undertake to say whether the judge acted legally or illegally. If he has acted illegally, what are we to do? Are we to enumerate in the law all the things, in the negative, that the judge shall not do? I do not think my hon. friend will seriously propose to do that. If the judge acted wrongfully without authority of law, there must be some mode of getting over it. If the law is in favor of the gentleman who

is not returned, then he has his remedy in the courts, and we cannot make it any better by statute. If the law is against the gentleman who was not returned, then the judgment is right.

HON. MR. KAULBACH—The hon. gentleman has not shown that there is any defect in the law—in fact it has never been tried out.

HON. MR. HAYTHORNE, from the committee, reported the bill without amendment.

HON. MR. ABBOTT moved the third reading of the bill.

HON. MR. McINNES (B.C.) moved

That the said Bill be not now read a third time, but that it be re-committed to a Committee of the Whole House for the purpose of amending the same as follows:—

Page 5, line 28.—After "Act" insert Clause A.

Clause A.

The following persons shall not solicit any vote for any candidate at an election of a member to serve in the House of Commons of Canada, canvas for any such candidate, speak for or against the interests of any such candidate at any meeting held during such Election, or take part in any such Election other than voting, namely:—

(*a*) Members of the Civil Service of Canada, within the meaning of "The Civil Service Act," whether belonging to the inside or outside division thereof.

(*b*) All persons employed in the North West Territories in or under the several departments of the Executive Government of Canada, or receiving for such employment a fixed salary payable out of the public funds of Canada.

(*c*) The permanent officers, clerks and servants of the Senate, the House of Commons, and the Library of Parliament.

(*d*) The Auditor-General.

(*e*) The officers, clerks and messengers of the Supreme Court of Canada, the Exchequer Court of Canada, and the Supreme Court of the North-West Territories, and of any other Court of Civil or Criminal jurisdictions constituted under the legislative authority of the Parliament of Canada.

(*f*) All persons to whom the provisions of "The Civil Service Superannuation Act" apply.

And every one who offends against the provisions of this section is liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding two months, or to both such penalty and imprisonment.

I may say that I wish to put this motion on record. I wish also to say that whenever there is a change of Government, if a number of civil servants who have been exceeding their duties and who have been the too obedient tools in the hands of their superiors are decapitated, they will have only the present Government and their supporters to blame for it, and that responsibility may come earlier than the hon. gentleman from Sarnia imagines.

The House divided on the motion which was lost on the following division.

CONTENTS:

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NON-CONTENTS:

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Girard,	Robitaille,
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Kaulbach,	Ross
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McKindsey,	Sanford,
McMillan,	Smith,
Macdonald (B.C.),	Sutherland,
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	Vidal.—31.

The Bill was then read the third time and passed.

THIRD READING.

Bill (99) "An Act to amend the steamboat inspection Act, chapter 78 of the Revised Statutes. (Mr. Abbott.)

QUEBEC HARBOR COMMISSIONERS' BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (135), "An Act relating to certain advances made to the Quebec Harbor Commissioners."

In the Committee.

HON. MR. ABBOTT said—This is a Bill for the purpose of taking over, as a Government work, the graving dock at Quebec, and of making some minor arrangements with regard to the debt of the harbor of Quebec. This graving dock was built with money advanced by the Government for the purpose. It is a graving dock opposite Quebec, on the Point Levis side, and is really a work for the advantage of all vessels passing up and down the St. Lawrence, and not peculiarly for the benefit of the harbor of Quebec. It is the only graving dock of importance in the river, and it is absolutely necessary for vessels frequenting that river. There is nothing more to be done to it, except to keep it in order; and it is proposed that, as the Government takes over the work, it shall assume its claim upon the Quebec Harbor Commissioners for the cost of construction. In connection with that, there was a provision that in a certain contingency the Harbor Commissioners are to pay the sum of $10,000 a year out of the net proceeds. That, of course, if the graving dock is taken over as a Government work, will be remitted. That is the principal object of this Bill. In addition to that, the Government having expended a considerable sum at Quebec, or rather the Harbor Commissioners, under advances from the Government, for the improvement of the Harbor; during the progress of these works (including a large tidal dock at Quebec) they realized no revenue, and the only fund out of which the interest could be paid was the capital, and the interest was so paid out of the capital. This accrued interest is represented, in the hands of the Government, by bonds issued by the Harbor Commissioners, secured on their property. The Bill provides, in order that the Harbor Commissioners of Quebec may start fair, these works being pretty nearly completed, that the bonds which represent the arrears of interest which the Commissioners were unable to pay, will be returned to the Commissioners and cancelled. The bonds representing the capital expended in the work will still be retained by the Government, and the commissioners will endeavor, and will no doubt succeed in paying interest as it accrues in the future, having the work now in a position to be of use, and to be remunerative. There was an advance made some years ago to the harbor of Quebec of over $700,000, which was expended in improvements, and the interest on that sum has always been paid. The only interest that is now in arrears is the interest on the cost of the construction of these new works, which could earn no money until they were completed. This Bill takes over the graving dock, and relieves the Harbor Commissioners of their interest in it, and it will be treated as a public work.

HON. MR. POWER—What amount does it involve?

HON. MR. ABBOTT—I think it is about $800,000, the cost of the graving dock, and that is the amount which the government take over.

HON. MR. POWER—And the arrears of interest?

HON. MR. ABBOTT—In the case of the graving dock there are some arrears of interest, but not very much. The debt of the harbor of Quebec will remain as before—only the arrears of interest accrued while the work was in course of construction being omitted—and this bill covers practically those two points.

HON. MR. MACDONALD (B. C.)—Are there harbor dues in the port of Quebec?

HON. MR. ABBOTT—Yes.

HON. MR. POWER—This is only adding another million and a quarter to the net debt.

HON. MR. ROSS (Laurentides.)—The dock was built for the accommodation of the trade of the St. Lawrence, and it was not finished, and no revenue could be obtained from it.

HON. MR. MACDONALD (B. C.)—What are the tonnage dues in Quebec?

HON. MR. ROSS—There are dues on ships coming into the harbor and dues on the cargo. Of course, with this debt on them they could not relieve ships and cargoes coming into that port. This dock is a public work. Acting upon the principle propounded by the leader of the Opposition on another question, where the Government do things that damage a man's property they should give compensation, they will treat Quebec in the same way. The deepening of the ship channel in Lake St. Peter has taken away a great deal of the trade of Quebec, and as there were no dues collected for the graving dock, it was only an expense to them. It was a work which was commenced first in connection with the Montreal harbor trust, but finally the two boards disagreed about it, and it was assumed by the people of Quebec. It is a dock which is of as much advantage to Montreal as to Quebec, being the only one on the river which will accommodate large vessels and is practically a public work.

HON. MR. DEVER—Who will receive the fees for the use of the dock?

HON. MR. ABBOTT—The Quebec Harbor Commissioners received them formerly, but the Government will receive them in future.

HON. MR. ROSS—There has been no revenue hitherto, as the dock was not quite finished. Only one ship, so far, has gone into it, but there will be a revenue in future.

HON. MR. GIRARD, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

SUMMARY CONVICTIONS BILL.

THIRD READING.

The House resolved itself into the Committee of the Whole on Bill (113) "An Act to amend chapter 178 of the Revised Statutes of Canada, "The Summary Convictions Act."

In the Committee.

HON. MR. ABBOTT said—There is a new clause to be inserted in the Bill with reference to costs, which I propose to insert after the first clause. It is to this effect.

Clause A.

Section fifty-nine of the said Act is hereby amended by adding thereto the following sub-section :—

"2. The costs to be awarded under this and the next preceeding section shall be such as are payable according to the tariff or tariffs of fees prescribed by the law of the Province in which the prosecution takes place upon sim lar proceedings by and before Justices for offences against the law of that Province, and if no such fees are prescribed, then the tariff applicable shall be the tariff of fees prescribed as to civil cases."

The amendment was agreed to.

HON. MR. ARCHIBALD, from the Committee, reported the Bill as amended.

The amendment was concurred in, and the Bill was then read the third time and passed.

BANK ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (119)—"An Act to amend the Bank Act, chapter 120 of the Revised Statutes of Canada.

In the Committee.

HON. MR. ABBOTT said—This Bill is introduced for the purpose of extending the privilege which the Bank Act gives to a considerable class of persons who deal in large quantities of goods. The Bank of course is authorized to lend on warehouses' receipts, and a person who grants a warehouse receipt must, under ordinary circumstances, be the warehouseman who has the goods in respect of which the receipt is issued —the man who holds them in his possession, though the property of other persons—but there are certain exceptions made by the Bank Act where a person is al-

lowed to give a warehouse receipt for goods of his own—in his own possession —such as coal, &c. These persons habitually have large quantities of goods of these various kinds in their possession, and are obliged to hold them over for long periods of time, and they are allowed to give warehouse receipts. The practice has been found very beneficial to trade. I find amongst them, millers, maltsters, manufacturers of timber, wharfingers, &c. It is proposed to add to them distillers, because distillers—especially under the present system—are obliged to have large quantities of grain on hand; and it is only just and right that they, as well as other manufacturers who are carrying on business on a similar principle, should have the right to get advances on the grain or malt in store.

HON. MR. DEVER—On the liquor, also, because they have to hold it over one or two years.

HON. MR. ABBOTT—And the liquor, also. My hon. friend from Burlington has suggested a further amendment to the Bill which he will explain.

HON MR. MACINNES (Burlington)—I move that the following words be added after "tanner"—the word "manufacturer or"; and after "wool" the words "or cotton." The object of the amendment is to bring within the scope of this act the cotton stored by cotton manufacturers and the wool stored by woolen manufacturers in their own storehouses.

HON. MR. ABBOTT—This is certainly within the principle of the clause as it stands. It applies to a large class of manufacturers, and I think the amendment should be adopted.

The amendment was agreed to.

HON. MR. WARK, from the committee, reported the bill with amendments, which were concurred in.

The bill as amended, was then read the third time and passed.

SECOND READINGS.

Bill (126) "An Act to amend chapter 124, of the Revised Statutes respecting Insurance." (Mr. Abbott.)

Bill (104) "An Act further to amend chapter fifty-one, of the Revised Statutes of Canada, 'The Territories Real Property Act.'" (Mr. Abbott.)

Bill (116) "An Act to amend 'The Civil Service Act,' chapter seventeen of the Revised Statutes of Canada." (Mr. Abbott.)

BILL INTRODUCED.

Bill (116) "An Act to amend chapter 16 of the Revised Statutes, respecting the High Commissioner for Canada in the United Kingdom." (Mr. Abbott).

The Senate adjourned at 10:45 p.m.

THE SENATE.

Ottawa, Saturday, May 19th, 1888.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings

CRIMINAL PROCEDURE BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (123) "An Act further to amend the Criminal Procedure Act."

He said—The object of this Bill is simply to restrict the area within which a libel suit may be brought against the publisher of a newspaper. It requires that he shall be prosecuted, if at all, within the Province where the newspaper is published.

The Bill was read the second time.

THE LIBRARY OF PARLIAMENT.

SECOND REPORT OF THE COMMITTEE ADOPTED.

HON. MR. MILLER moved the adoption of the second report of the Joint Committee of both Houses on the Library of Parliament.

HON. MR. POWER—It will be noticed from the report that when the Committee received Mr. Bourinot's first letter and proceeded to deal with it they were not aware that any other person had been engaged in collecting materials for a work of this kind. Afterwards the sub-committee, who were appointed to deal with the matter, ascertained that Mr. Descelles, Librarian of Parliament, had been engaged in collecting for a similar work, and they were able to make arrangements with Mr. Bourinot so as to prevent Mr. Descelles' work from being valueless. Hon. gentlemen will notice that in Mr. Bourinot's second letter he undertakes to make provision that Mr. Descelles' work shall be utilized and paid for. I have ascertained, since the report of the sub-committee was adopted by the Library Committee, that another gentleman in the public service had also been engaged in collecting materials for a similar work and I think it only right that I should mention the fact here. Mr. McGee, the clerk of the Privy Council, as I understand, has collected almost all the materials which would be necessary for such a publication, and I think it only fair to him to mention the fact.

HON. MR. ALEXANDER—As an old member of the Library Committee, not appointed this session because of my absence through bad health last year, I wish to suggest that there is no reason why more than one gentleman should undertake this work. I look back to the time when the late Mr. Todd, so highly respected for his great learning and his knowledge of Parliamentary procedure and constitutional law, gave us a work which is of high value to the country. Then Mr. Bourinot, the present Clerk of the House of Commons, a gentleman also distinguished for his learning, his elegance of mind and intellectual acquirements, has also given us a work second to none for its reliability on all questions of constitutional law. I do not understand that three gentlemen should now be engaged in compiling another work. Let the Committee decide which of the three gentlemen is most competent to compile any additional work which may be necessary.

HON. MR. MILLER—All three of these gentlemen are highly respected, but that is not the question before the House. This application of Mr. Bourinot was referred to the sub-Committee, of which the hon. gentleman from Halifax was chairman. That Committee made a report, in which Mr. Descelles' interest in the forthcoming publication is protected. I also had my attention called to the fact by Mr. McGee, to whom the sub-Committee has referred, that he had had great trouble, for several years past, and had made a collection, in part the same as Mr. Bourinot's. He said he did not wish to interfere with Mr Descelles getting the advantage contemplated by the report of the Committee. He thought it was part of his duty, as clerk of the Privy Council, and he thought his whole time was due to the Privy Council and he did not wish any extra compensation for the work; but thought that as the names of others, who had worked in that direction, had been noticed his should not be passed over, and I am sure there is no disposition to withhold any recognition to which he is entitled. I do not think Mr McGee's claim is at all in the way of the adoption of the report.

The motion was agreed to.

INSURANCE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into committee of the whole on Bill (126) "An Act to amend chapter 124 of the Revised Statutes respecting insurance."

In the Committee,

HON. MR. ABBOTT—This bill extends to the Insurance Companies chartered by the local legislatures the privileges of Dominion Insurance Companies, in respect of getting a certificate to do business, and the advantage to the public of making the usual deposit,—in fact, of conforming themselves, if they think proper, to the general insurance law of the Dominion. The bill was passed through the other House, strange to say without being printed, at the last moment, and an error crept in which I wish to amend. I move to strike out the words in the fifteenth and sixteenth lines, "as nearly as may be." It is impossible to say in advance what would be the conditions required of a company, or what would be held by an officer of the department to be conforming "as nearly as may be" to the law as it exists.

The amendment was agreed to.

HON. MR. MCCALLUM, from the committee, reported the bill with the amendment, which was concurred in.

The bill was read the third time and passed.

TERRITORIES REAL PROPERTY BILL.

3rd READING.

HON. MR. ABBOTT moved that the House resolve itself into a Committee of the Whole on Bill (104) "An Act further to amend chapter 51, of the Revised Statutes of Canada, 'The Territories Real Property Act.'"

He said—This is a Bill providing for a number of improvements in the system of registration in the North West. Difficulties have arisen, mainly difficulties of construction of the law as it stands, and there have been difficulties in the description of property which passes by inheritance under the law as it stands. The process of getting certificates and patents has been found somewhat cumbrous, and there are certain fees which it is thought may well be dispensed with.

The motion was agreed to.

HON. MR. MACDONALD (B. C.), from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

CIVIL SERVICE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (116) "An Act to amend the Civil Service Act, chapter 17 of the Revised Statutes of Canada."

In the Committee,

On the 5th clause,

HON. MR. POWER said—I do not feel at all satisfied that the graduates of any university shall be exempt from the qualifying examinations, because the civil service examinations are of a special character; and I think it might some times be found that university graduates are not well up in the subjects of this particular examination.

HON. MR. ABBOTT—That subject has received a great deal of consideration and discussion and it is thought, in reference to the universities of the country, we should recognize the diploma of a university which signifies the completion of education, and should accept it as sufficient qualification for a clerk in a Government office, as it is in almost all the professions. The only exception in this respect in the Dominion is that in the Province of Quebec law students are not allowed to be admitted on the diploma of a university, they have to pass a special examination. I think that is the only exception in the Dominion. In all other parts of Canada a diploma of a university is considered sufficient to enable any young man to enter a profession.

HON. MR. SCOTT—I think that clause is the most sensible one in the whole Civil Service Act. My own impression of it has always been that it was a

terrible humbug—that it in one way interferes with a man having a chance of getting into the civil service, and it does interfere very materially with men who are efficient for the civil service. I think, myself, it is rather a fraud. Among other things, it was said when the Civil Service Act was being put on the Statute Book that young men who were educated at the expense of the country, graduates of the Royal Miiltary College, should get offices. Instead of that we maintain the Military College at large expense and then we find the graduates going to the United States in order to get employment, when young men of a very inferior grade are employed here. Incidents have been mentioned in Parliament where young men from the Military College have applied for positions here, men eminently qualified for the public service, and yet because they had not political influence, they could not get in. I think it is unfortunate that we cannot arrive at a system by which deserving men—I do not say that every graduate is entitled to a position—could be employed; it would be highly desirable. There are young men who have gone through the Military College with great success, and have been offered commissions, but no young man is justified now in taking a position of the kind unless he has a private income. These young men would be exceedingly useful in the civil service, and yet it is extraordinary how few of them get positions in the civil service. I regard the Civil Service Act as a terrible fraud. It in no way carries out what it was originally intended to accomplish.

HON. MR. MACINNES (Burlington)—Hear hear.

HON. MR. SCOTT—I see my hon. friend from Burlington bristling up : he did his work well and made considerable improvments, but I think it is impossible that those improvements can continue.

HON. MR. MACINNES—Would you make the examinations open competition ?

HON. MR. SCOTT—Day by day I hear of appointments being made to the civil service of men who never appeared before the Commission.

HON. MR. MACINNES--What remedy would the hon. gentleman propose ?

HON. MR. SCOTT—My duty is not to make suggestions, but to criticize. I quite recognize that it is an exceedingly difficult subject, and am prepared to admit that I am not now offering any suggestion, except, that I think, in reference to the Military College, some sort of preference should be given to young men who go through that institution. There, I think, we might make a special exception, that young men who qualify themselves to pass a special examination for the Royal Engineers, should be employed. A young man who does that possesses more than ordinary ability, and it is quite clear that he is fit for a position in the Railway Department and the Department of Public Works. It does seem hard, that because a young man has not the means to accept a commission from the Imperial authorities, and has not political influence to be appointed to the civil service here, he is obliged to go to another country. If the number of young men lost to Canada in this way could be ascertained, it would be found that we are taxing the country for no earthly good, except for the benefit of the individuals educated at the Military College. I think it is to be regretted that we cannot avail ourselves more of that class of young men.

HON. MR. MILLER—I cannot understand my hon. friend's argument : he thinks that the graduates of the Military College should have a preference over young men who pay for their own education and are capable of passing the necessary examination.

HON. MR. DEBOUCHERVILLE—Do these young men who attend the Military College pay nothing for their education ?

HON. MR. MILLER — They pay something, but they are practically educated at the expense of the country. Because we have conferred one great and important favor on them, my hon. friend thinks we should give them a preference over young men who have educated themselves by their own exer-

tions, or been educated at the expense of their parents. I do not approve of that at all. I do not, of course object to allowing them to enter the civil service without examination, but I do not see why they should be given a preference over others who pay for their own education. I do not see why they should become the pets of the Dominion, to the exclusion of others who have received less from the public.

HON. MR. MACINNES (Burlington)—I think all will admit, who know anything about the Civil Service Act and the condition of the civil service before it was passed, that it is a great improvement on the old system and the old state of the civil service. With reference to what the leader of the opposition has said, concerning the graduates of the Military Schools, I should hope they could find much better employement, if they are men of talent and ability, such as he describes them to be, and I have no doubt they are—I think they can much better employ themselves outside of the service than by entering into the Civil Service of Canada. I believe also that there is plenty of employment for them in Canada without leaving the country, if they would only seek it in the proper way. I do not think they should have the preference over other young men to enter the civil service.

HON. MR. ALEXANDER—Everyone must observe that the Military College at Kingston has been established for some public object. The College has been officered by some of the best qualified military instructors that could be brought to the country. We ask ourselves what is the great object of the Military College? Is it to educate young men without any definite object for our own public service or not? Is it to educate the sons of different families throughout the country without any reference to our own Railway Department or the carrying on of our own public works? If so, it is using the public money to give a great advantage to certain privileged families. That is what it amounts to. We have young men sent there from all parts of the Dominion, chiefly Ontario, who are highly educated, and unless they have political influence, though they are thoroughly qualified as engineers for service in the Railway Department and other Departments of the public service, the money expended upon their education is lost to the Dominion. I think there is a great deal of force in the views expressed by the hon. member from Ottawa, that there should be some change in the policy of the Government.

HON. MR. SCOTT—A change of Government, you mean?

HON. MR. ALEXANDER—The time has arrived when the Government will have to consider whether political influence is to determine all the appointments to the public service. In England, we have competitive examinations for India and for the public service. Young men are invited to come from the colonies, and irrespective of political influence, if they pass the competitive examinations, they secure positions. But here, young men highly qualified for positions, unless they have influence with the Government, have no prospect of being appointed to the public service. I am sure the leader of the House, who is so well qualified to advise the Government, will suggest to them to carry out the system which prevails in England, that when young men who are well educated and come forward at the competitive examinations, may be appointed, whether they can secure additional votes for the Government in the House of Commons or not.

HON. MR. DEBOUCHERVILLE—What does "graduate" mean? Does it mean a doctor or lawyer?

HON. MR. ABBOTT—It means a graduate of any rank. In this instance it is intended to apply more particularly to degrees of arts. It is not to be supposed, for instance, that a doctor of medicine would apply for a position in the public service.

HON. MR. DEBOUCHERVILLE—And these shall be exempt from examination?

HON. MR. ABBOTT—Yes.

HON. MR. DEBOUCHERVILLE—The local government may give the right to confer degrees: will those be recognized? Supposing one of our colleges in the Province of Quebec had a right to give, after a complete course, the title of Bachelor of Arts, would the holder of that be exempt from passing this examination?

HON. MR. ABBOTT—I do not know exactly the system on which the colleges in Lower Canada are administered. The word "College" in Lower Canada is intended to cover, and does cover in a great many instances, a species of public school. It does not rise to the rank of a university. We have the University of McGill and the University of Laval, and these universities have the right of conferring degrees—that is the technical phrase. This amendment is understood to give persons holding diplomas from those universities the right of entering the Civil Service without any examination. It is felt to be a kind of humiliation that a person who has passed his examination before the faculty of a university should be subjected to a subsequent examination by what would be regarded among learned bodies as an inferior tribunal. I suppose that privilege would not extend to a mere college or large public school not having power to grant this degree, or an equivalent degree of B. A., but would extend to universities having that power.

HON. MR. DEBOUCHERVILLE—In the Province of Quebec all the colleges, excepting one or two, are affiliated with the Laval University, and being affiliated with the university they can grant the degree. But there are two colleges that stand as high which are not affiliated with Laval, and if the local government were to give to these one or two colleges that are not now affiliated with the university the right to confer the title of Bachelor of Arts, they would not be exempt under this law?

HON. MR. ABBOTT—I think not.

HON. MR. DEBOUCHERVILLE—It seems to me it would not be just. Those colleges give as high an education and they will be entitled to give this degree, and their graduates ought to be exempt from this examination of the civil service.

THE SPEAKER—There would be a distinct difference between a college and an institution possessed of university powers and it is only those possessing university powers to confer university degrees, I take it for granted, that are recognized in this Bill. Have the colleges the hon. gentleman speaks of, any authority or power to grant degrees?

HON. MR. DEBOUCHERVILLE—This is the way I understand it: Laval University has affiliated colleges, and a young man who has finished his studies in one of those colleges, can have the title of B. A. from Laval. All the colleges are affiliated with Laval, except two, and they stand as high as any other college. I expect that next session they will get from the local legislature that right of giving the title of B. A., and in that case, I think their students ought to be exempt from the civil service examination.

HON. MR. ABBOTT—I think the point raised by the hon. gentleman is an important one. If university powers are given to these colleges to grant degrees equivalent to degrees granted by a university, I think we ought to make an exemption in favor of those students but I think it would be well to postpone the consideration of this clause until we know what powers these colleges are to have, and I quite agree with my hon. friend if they should assume that position their graduates ought to be allowed to enter the service without the humiliation of an examination.

HON. MR. POWER—I do not think there is any necessity for amending the Bill for that purpose. I think that the power of granting degrees is the distinguishing characteristic of a university.

HON. MR. ABBOTT—My hon. friend is quite right; at the same time the legislature, which is all powerful, may say that a college shall have the power of granting degrees.

HON. MR. DICKEY—This provision is a concession. It is a provision that has not been in the Act before, and it is a step in advance—a provision which exempts students of the Royal Military College and universities from examination for the serie. It is a step in advance, and my hon. friend ought to be satisfied, because it opens a very wide scope, and if hereafter it is thought wise to extend it, it can be done. I hold it is a very important and proper concession in the interests of education.

HON. MR. TRUDEL—These colleges alluded to by the hon. gentleman from Montarville, as being well known to be of the highest standing, are recognized as giving a superior course of studies in every respect. It is also well known that men of the highest standing—not only of our province, but of the Dominion and of the United States—when they have the choice of all the institutions on the continent to be educated in, choose either one of those two colleges. It is well known that at a recent event which took place, His Excellency the Governor General declared that it was well known that those colleges, notably that of St. Hyacinthe, stands highest amongst all those institutions. Of course it would not be proper to enter into the many questions which divide our population and the institutions in our Province, and there may be good reasons for those colleges not being affiliated to Laval or McGill or any other university, but this does not prevent them from having a high standing, and as the case was put by the hon. gentleman on the other side, taking these circumstances into consideration, if the Legislature grants the power to confer degrees what will be the difference between those colleges and others which are called universities or are affiliated with universities? The difference would be only in name, and I don't see why they are discriminated against.

HON. MR. KAULBACH—I see nothing in the amended Act, or in the original act, providing that persons who pass the civil service examinations should stand, like in the army and navy, for promotion according to seniority. There is a grievance in this, and I believe it has occurred on more than one occasion that persons have been appointed, who have not passed an examination at all and have no special technical knowledge for the position, simply through favoritism, and have been appointed over the heads of other civil servants. I believe the Civil Service Act is not in the interest of young men, because many of them pass examination, expecting that some time or other they will get positions in the civil service, and on that account neglect to provide themselves with other occupations. When outsiders are brought in and appointed over the heads of men who have been years in the service, it destroys all the ambition of young men and, in fact, destroys the civil service entirely. I had hoped to see in the amendment to the law some-to provide against that practice. I ask the hon. gentleman who has charge of this Bill whether there is anything in it to prevent persons from outside, who have no particular connection or special knowledge for the position, from being brought in over the heads of other civil servants, and of those who anticipate getting in by gradation after passing their examination?

HON. MR. ABBOTT—My hon. friend will perceive that the question before the House is whether the graduates of the universities, or others who have finished their course in the Military College, shall be permitted entrance to the civil service without special examination. Now, as to the possibility of favoritism in examinations.

HON. MR. KAULBACH—Not in examinations, but in appointments.

HON. MR. ABBOTT—I do not understand that any one can be admitted into the civil service without examination, except those who are exempted by this clause we are dealing with. There is no desire to depreciate those colleges at all. They have not at the present time the power to grant a diploma constituting the degree conferring on the recipient the rank of a graduate. The universities have that power. My hon. friend has raised the suggestion that if

those two colleges referred to should get that power, their graduates should be entitled to this exemption from examination, the same as graduates from universities, and that proposition seems to me to be the proper one. But it will be difficult for us to deal with it now without knowing what their powers are, or the conditions on which the degrees would be granted, and so on. If my hon. friend points to the idea of examining those who have certificates from colleges, he will be opening a wide field indeed. That is one of the things that has caused difficulty in Lower Canada. Colleges are easily formed and named, and it is not the colleges which the compatriots of my hon. friend take such care and pains to establish, that I refer to when I speak of these circumstances. This is a concession—a concession in the right direction. It is a concession which will be valuable to those two colleges, no doubt, as soon as they obtain the power to place themselves within its terms; and that would be a subject which, if the anticipations of the hon. gentleman are realized, will shortly come before us—but at present I think we go far enough in granting this immunity to the graduates of universities. I omitted to notice a request that an amendment be made to clause four; and I would ask the Committee to re-consider that clause. Sub section two provides that the optional subjects in the next preceding sub-section mentioned, shall be book-keeping, short-hand, translation and type-writing. It is proposed to add to that, two very important and useful subjects—composition in French by English candidates, and composition in English by French candidates, and precis writing.

The amendment was concurred in.

On Section seven.

HON. MR. POWER—I wish to ask the hon. gentleman why these notices are struck out of the end of the section—the notice published in the *Gazette* "shall state when and where the examination is to be held and the subjects to which the examination will extend" Why should that be struck out? It seems to me that it is desirable that the candidate should know these facts.

HON. MR. MACINNES (Burlington)—I quite agree with my hon. friend opposite that these two lines contain information to which the public are entitled.

HON. MR. ABBOTT—I presume there must be some reason for it, and I shall endeavor to find it out. Perhaps it would be well to let this stand until the next meeting of the House.

HON. MR. DEBOUCHERVILLE—I do not understand why you struck out the two languages in the sixth section.

HON. MR. ABBOTT—The candidate may declare his option to pass in either or both if he likes.

HON. MR. ALEXANDER—With regard to section eight, I would respectfully ask the leader of the House whether the statement lately made by the hon. gentleman from Ottawa, with regard to examination being required of every member entering the civil service—whether his charge brought against the Government that he knew of persons being allowed to enter the public service without any examination at all is correct?

HON. MR. POWER—I would call the attention of the committee to the fact that the hon. gentleman's question is out of order. It does not bear on the clause before the committee.

HON. MR. ABBOTT—It is a question which it is utterly impossible for me to answer. It is contrary to the law, and I assume, until I know better, that a minister does nothing contrary to law.

HON. MR. DICKEY—With reference to the suggestion of striking out the word "examination" in English or French, there is a misconception about that. It is not merely that an examination on composition should be in French by English and in English by French: the candidate may claim to be examined in either English or French, but he cau hardly claim to be examined in both. The sixth clause simply strikes out the words "or both." On the eighth clause I wish to call attention to what I

think is distinctly a retrograde step. Sub-section two of clause eight provides "except as herein otherwise provided, such examination shall be on such subjects as are determined from time to time for each Department by the Governor in Council." The existing law gives every clerk in a Department in which a vacancy occurs an opportunity of presenting himself for promotion examination. This amendment takes away that power and it leaves it completely to the head of the Department to say what employes in the Department shall be allowed to present themselves for examination. Now I think that is carrying the principle of governmental control too far altogether and opens the doors to unfairness and favoritism. I think if we look at the number of persons who will be taken out of the operation of the system of examination by this amendment, it will be really more honest to repeal the provision respecting examination altogether.

HON. MR. ABBOTT—I think my hon. friend is mistaken in his view of the clause. The regulation provided by the former Act is that it shall be only those next below the rank for which the application is made should be taken for examination. Now it simply proposes to leave these regulations to have their effect, and in that way it is only the class immediately below the rank for which the examination is to be taken that can enter for the examination for that rank. It seems to me it is a reasonable provision. What could be the object of a clerk two or three grades below any rank passing an examination which could not avail him ?

HON. MR. POWER—If that was stated it would be different.

HON. MR. ALEXANDER—I think the Parliament of the country ought to be assured that there are no appointments made to the public service which are not made of efficient young men who discharge the duties of their office in the public service. We have a most able public service, but I will give an illustration of the necessity of this. Upon one occasion, when the hon. gentleman from Belleville and myself went to Sir John Macdonald and asked him to consider favorably an application of a young man who wished to enter the public service, the reply we got from Sir John Macdonald was there were quite enough fools in the service already.

HON. MR. ABBOTT—Was he alluding to the hon. gentleman ?

HON. MR. ALEXANDER—He was not a fool, and was well qualified to pass the examination. What I want to observe is this, that we ought to be assured that while the public service generally is composed of the best men of the country, we do not require to see a number of supernumerary clerks in the service. I do not desire to see three or four hundred young men put into the Department simply for political purposes, and no appointment ought to be made to the public service unless there is a vacancy, and then the young man who is appointed, should have passed the regular examination.

HON. MR. DICKEY—I think it would be unwise to interfere with the eighth clause, inasmuch as it has been the subject of compromise. When the bill was in another place there was a very strong effort make to dispense with these promotion examinations, and I must confess I have a great deal of sympathy with that view of the case, because if a man has passed the qualifying examination and has some years' experience of the Department, surely he ought to be eligible for another step. He brings with him not only the experience he had before his examination, but also the additional experience in the administration of the Department. This amendment has been made as a compromise in order to get in the thin end of the wedge so that persons who come forward for promotion shall only be liable to examination on such subjects as test their fitness for the vacant office. I think that is a fair compromise.

HON. MR. ABBOTT—My hon. friend is quite right. Before the clause is agreed to, a few words are required to be inserted, to limit these examinations

in the same way as they are already limited in another place. After the words "shall be," in the second line of sub-section two, I propose to ask the House to insert these words: "only once a year, in the month of May, and shall be on such subjects," etc.

The amendments were agreed to.

HON. MR. POWER—I presume that sub-section four, of clause eight, is the provision which leads to an abuse which undoubtedly takes place. We are continually having gentlemen who come—sometimes from the old country, and sometimes persons who have done valuable political service in Canada—put into the Departments, over the heads of old and tried public servants, without any examination at all, generally on the grounds that they are barristers or surveyors, or draughtsmen or specialists of some description. In fact I have heard of the case of a messenger having been appointed to the position of draughtsman in a Department, although he hardly knew how to hold a pencil.

No doubt there have been gross abuses under the supposed authority of this provision. It is common talk about Ottawa now that the deputy head of the Department of State is to be superannuated. He is a gentleman who is quite capable of doing his work for years to come. I have not the pleasure of his acquaintance, but I have seen him, and he is a pretty vigorous man. I understand that a gentleman who has rendered valuable political service to the Conservative party in the Province of Quebec has been appointed to the place next below him without any examination whatever. Whether it is supposed that the fact that he is a solicitor qualifies him or that the fact that that he ran as a candidate for the party and was defeated qualifies him I do not know, but this gentleman who has been put in over the heads of all the *employes* in the Department is to be appointed Under Secretary of State when the present incumbent who is perfectly competent to fulfil the duties of the office, is retired. I think that something ought to be done to prevent this sort of thing in future. I do not see why a barrister or attorney should be exempt from the qualifying examination any more than any other people. The actuaries who were provided for in the sub-section as it stood, have been striken out, and I think we had better strike out the barristers and attorneys too.

HON. MR. ABBOTT—My hon. friend does not pay a very hight compliment to his own profession. He will perceive that the promotion or appointment which these persons are receiving is an appointment in the line of their profession, so that if a barrister is to be appointed as a barrister, there is no necessity for the examination. I hardly think my hon. friend considered that when he made the suggestion. When we legislate, we are legislating to make a good law, but if the executive violate the law, then, of course, there is another mode of getting at that. I do not know anything about this appointment which my hon. friend has spoken of. I know the under Secretary of State. I know that he was a man fairly advanced in years when I was a boy, and he must have long years passed his three score and ten.

HON. MR. POWER—He does not look it.

HON. MR. ABBOTT—I assert it as a fact, for I have known the gentleman close on fifty years. I should say he is at least past his three score and ten, and if the superannuating of a man who is seventy years old, is to be stigmatized as a political job, I do not know where we are going to draw the line. I do not propose to discuss that question, for I do not know anything about it. I do not know that he is to be superannuated; I have not heard that he was or that any person is to be appointed in his place. If the Government do what is wrong they are responsible to Parliament, but but I do not see how we can be expected do more here with the Bill than to make it as good as we can, and if the Government violate its provisions, apply to them the proper remedy, which would be to censure them by a vote of want of confidence and turn them out to office. But that is not exactly the kind of argument

which is conclusive. The kind of argument which is conclusive is that those persons that are mentioned in this list, who are to have the authority of law to act in that capacity, must be qualified to do so.

HON. MR. POWER—I do not know what Mr. Powell's age is, but he is a vigorous man, and it has never been stated that he is not quite capable of discharging the duties of his office. There no doubt that he is infinitely better qualified to discharge the duties of under Secretary of State than the gentleman who is now being put in simply because he ran an election in the interests of the Conservative party in the Province of Quebec.

HON. MR. ABBOTT—I venture to deny that the gentleman has been put there because he ran an election in Quebec.

HON. MR. DICKEY—The hon. gentleman from Halifax is thinking of the old French proverb that some men are never old and some are never young.

The clause was agreed to.

On clause nine,

HON. MR. POWER—There is another alteration in this section, and I presume there is a good reason for it; and I think the hon. gentleman might explain amongst the exemptions made by this clause is the special case of an exciseman in the Department of Inland Revenue. As a rule they have been more exact in the matter of examinations in the Inland Revenue than any other department.

HON. MR. MACINNES (Burlington)—Perhaps I can answer my hon. friend. These exemptions from examinations in the Department of Inland Revenue existed for a long time before examinations were adopted under the Civil Service Act, for the servants in the Inland Revenue had passed severe examinations already, and therefore, having already passed the examination, it is not necessary to call upon them again when they seek promotion.

HON. MR. ABBOTT.

The clause was agreed to.

On clause 10,

HON. MR. POWER—Why are all the words after "service" in the 9th line of section 42 struck out?

HON. MR. MACINNES—My own opinion is that it is a pity they are struck out, because it widens the area of promotion. If there is a vacancy in a Department, and there is no one in the Department to fill it, the deputy can introduce an officer from some other Department.

HON. MR. ABBOTT—The clause seems to be a reasonable one, but the ground for its exclusion may be considered quite as reasonable or more so. It is said that this discretionary power of seeking a candidate in another Department to fill a vacancy in the Department is an invidious one and places too much power in the hands of the deputy head and causes discontent in the Department.

HON. MR. POWER—If there is no one qualified in the Department to fill the vacancy, I do not see why the deputy should not be allowed to bring in an officer from another Department.

On clause 12,

HON. MR. KAULBACH—I do not think this clause, which provides that no extra salary or additional remuneration of any kind whatsoever shall be paid to any employe permanently employed in the service, is in the public interest. There are some persons in the public service particularly adapted to do work of a technical character, and which is not within the round of their duties, and they would either have to do this work gratuitously, or the Government would be denied the benefit of their services. Then I think it would only be right that the two branches of Parliament should not be affected by this in any way. For instance, a man may be in our service on small salary and may be qualified for an advance of the salary given to him, though entirely outside the duties of his

office. Why should we deprive ourselves in this House, or in the other House, of the right of employing the services of such persons by giving them extra remuneration. I think there ought to be an amendment to the effect that nothing in this clause shall interfere with the rights or privileges of Parliament to pay their officers for extra work.

HON. MR. SCOTT—It seems to me it is cheaper to pay an extra amount to a man who is already in receipt of his salary than to have to employ an outsider at full rates. The effect of this provision will be, that if anything extra is to be done, it will be some person outside of the Department who will be called in to do it. For instance, the codification of the laws was done by some of our own officials, and they got only about one-sixth of what it would have cost had outside parties been called in to do it. A day or two ago, one of the Committees of this House proposed to give to one of our own officials, $100 extra, for services that it was thought would be better performed by him than by an outsider. Of course we could not employ an outsider to do it, and we could not very well take one of the officials of the House, unless we paid him for it, because it was so clearly outside of his line of duty. It will be found that this clause will work awkwardly. I quite admit that the present system is open to abuse: but it is a question whether this amendment will not be open to greater abuse. There are gentlemen in the civil service, who can be, no doubt, employed to perform services requiring special knowledge, for less than would have to be paid to outsiders, and in the interest of economy, it might be better to retain the present system, though it is open to abuse.

HON. MR. MACINNES (Burlington)—In the inside service of Canada this system has been found to lead to abuse. If you employ an officer at two or three thousand dollars a year and give him a thousand for extra work outside of his own department, it is a practice which leads to abuse. My own opinion is that if you pay a salary to an officer, it is supposed to be the full value of his service, and that he is not entitled to any thing more, and I would prefer the clause as it is.

HON. MR. KAULBACH—Yes, but if you ask him for services beyond the regular duties of his office?

HON. MR. MACINNES (Burlington)—Then he is already paid for it.

HON. MR. KAULBACH—But he may be able to perform services beyond what were expected or required of him whem he joined that particular branch of the service. I think it is denying both Houses of Parliament the privilege of obtaining services of special value in that way.

HON. MR. DEBOUCHERVILLE—I think it is a very good clause, and I do not see that it deprives the Government of the power to employ their own officers to do extra work; but if they do employ them, the Ministers will no have the privilege of giving them extr payment without coming to Parliament and asking for the approval of the House. Therefore we do not lose the services of those employes who are specialists, and who may be employed to do extra work. It will prevent Ministers from employing officers to do extra work and pay them more than they are worth without the sanction of Parliament.

HON. MR. ABBOTT—The principal object of this law is to prevent the caprice and favoritism on which the appointment or promotion of civil servants and their pay might otherwise depend, and on which it did depend for a long time almost entirely and exclusively. The object is to make them independent, to establish a fixed rule to prevent heads of departments, or anybody acting with them, from putting a man in a position in any way beyond that which his rank entitled him to; and the most important and most valuable way in which a preference can be shown to a clerk is to give him extra pay. As the Act stood, it really gave the power to any deputy head to give a favorite clerk any salary he pleased. This Bill puts it out of his power to do anything of the sort. If a

clerk receives a salary which corresponds to his rank, he is supposed to give his services at reasonable hours for that salary. If he can get employment outside after those hours, it is all very well, the Government have nothing to do with that; but to give power to the head of a Department thus to pay money to clerks over and above their salaries is simply to open the door to all kinds of favoritism and abuse. I do not see myself that it is any slur on the House any more than it is on the Department to apply this principle to our servants. A rule of any kind is not a valuable rule unless it is universal in its application, and I think it in the interest of the public service that this rule should be made universal.

Hon. Mr. MILLER—I quite agree with the hon. gentleman who has resumed his seat with regard to the provisions of this Bill. I am quite well aware that evils have frequently occurred such as he has described, of favoritism shown to clerks in the different departments of the service through the friendship of the deputy head, and I think it very desirable that that sort of favoritism should be abolished. With regard to the two Houses of Parliament, I do not see how the evil could at all exist which has prevailed for many years past with reference to the Departments of the Government. Take this House, for instance, all the appropriations of public money in the Senate are made by the Senate itself, by a committee chosen first to examine all claims and recommendations for increase of pay from servants of the House, and which have afterwards to be adopted and passed by the Senate itself. I say, therefore, I do not see how it was possible, with regard to either House of Parliament, that this plea of favortism, can possibly be set up. Therefore I think it is not wise that we should divest ourcelves of all the privileges which we have possessed in the past. There is a com mittee of the House, a very important committee with very important duties to discharge—the Restaurant Committee for instance. That committee want an efficient man for certain purposes, and we can get him for one-half, or one quarter perhaps, what it would otherwise cost us by taking one of the clerks of the House and giving him this duty to discharge, which is completely outside of his ordinary official duties. Under this provision we could not do it. We would be obliged to increase his salary, which would be a permanent charge, whereas the other allowance may be discontinued at any moment. When this case was brought up a day or two ago in the Contingencies Committee, the leader of the House rather approved of it. I suggested this way of dealing with this clerk, and therefore I do not see how he can oppose a clause which would merely carry out the suggestion which he himself approved of a day or two ago in the Committee on Contingencies. For some time past one of the Departments has been trying to interfere with the privileges of both Houses, but in these little matters I do not think it is right altogether to take from us the privileges which we have had all along with regard to the payment of our own officers. No officer can get any extra payment without the approval of the whole House, and no superior officer can be employed except with the sanction of the Government, and the Government is responsible for anything that is done in that way.

Hon. Mr. DICKEY—I quite agree with what has fallen from the hon. gentleman from Richmond; and I say that this clause, in section 51, is a very wise one, for the very obvious reason that this was intended to withold from the Departments the power of giving extra pay to those clerks for doing their work—that is to say, for dawdling away their time during working hours, so that they might get extra pay for the work they did after hours. The clause, as it stands, is a very proper one. But what are we doing now? We are adding to that: "to any other person permanently employed in the public service." Now, the effect of that will be to prevent a Department from availing themselves of the service of any person employed in either of the two Houses. Supposing you want to codify a law, or to get up a new Act—somebody must do it; and it is extra work—and can the Government employ anyone more competent to do it than an

experienced officer, one who has been permanently employed in one of those Houses? I happen to know an official, whose ability and fitness for work of that kind has been spoken of, and he does it at a small expense; yet, under this Bill, the Department would not be at liberty to avail themselves of his services, and will be obliged to go outside to get the work done, at ten times the cost. It is not in the public interest, or in the interest of the public service, that the departments should have that power, and I do think my hon. friend ought to reconsider that point. There is some object in it. I do not know what it is, or why this legislation should be altered in this way, for the reasons that are given for taking away this extra pay from officers in the departments do not apply when they go outside into other branches of the service to get persons to do this extra work. I repeat that it can be done better and cheaper than by leaving it to the discretion of the department to employ persons outside of the service. I should like to ask an explanation with regard to this clause. It repeals sub-sections one and two. There is no sub-section in section 51 at all, and I suppose it means the first part of the section. Then you sweep away the whole of section 2. I have heard no explanation of why sub-section 2 is repealed.

HON. MR. ABBOTT—My hon. friend cites a case which I dare say we have all heard of within the last two days, which he considers would be a case of hardship if applied to the officers of this House. It is very possible, and very probable, that there are cases where advantages might be obtained by doing as the hon. gentleman suggests. It might be so in all the Departments. Every Department might find that they could get some work done more advantageously and more cheaply by employing a clerk to do it in his extra hours; but if hon. gentlemen are ready to leave the Government of the country entirely in the discretion of the heads of the Department and their subordinates, what is the object of the Civil Service Act at all? The object is to take away that discretion, and to do away with the discontent that exists in the service. Take the case of two men, each of whom gets $1,000, as regular salary, but one of whom practically gets $2,000, because of the extra work that is assigned to him: it is a fertile source of discontent and envy in the service, and the practice is open to great abuse. If the privilege were to be used in the way my hon. friend describes, it would be an excellent thing to do, and if he can frame a clause which will confine the use of this privilege in the way he describes, he would be doing a great service to the country. I find a strong feeling among a certain number of gentlemen here in favor of the clause, and I am quite disposed to consider it. If hon. gentlemen will allow it to stand until the next sitting of the House, I will take an opportunity of discussing the matter with my colleagues, and, if it be the desire of the House, see how far that point can be conceded. My own impression is decidedly against it; and I might mention also that the system which prevails now in this House of disposing of its contingent fund is not likely to continue. It has been stopped in the House of Commons. The contingent fund in that branch of Parliament, is returned to the consolidated fund, and every dollar paid out there is paid out of the estimates, and I have no objection if the same principle is applied to this House also; so that there will be no fund out of which such work could be paid. So that after all I do not know that we are depriving the House of a very wide discretion in the payment of its clerks.

HON. MR. POWER—I cordially concur in the first part of this amendment—that is that no extra salary or additional remuneration whatever shall be paid to any civil service employe. There I think the clause ought to stop. I quite agree with the hon. members from Richmond and Amherst, and with my hon. friend from Lunenburg who proposed to move an amendment in the same direction. The hon. leader of the House does not seem to attach the consequence which I think it deserves to the argument of the hon. gentleman from Richmond, that it is not wise for the Houses of Parliament to strip themselves of all authority and put

themselves completely in the hands of the departments. Take the very service to which the hon. gentleman referred—the consolidation of the Statutes. I am satisfied that the country would have saved at least $100,000, if instead of giving the work in the first instance to a number of gentlemen scattered all over the Dominion they had put it in the hands of the law officers of the two Houses of Parliament. We would have had as good a job done in much less time, and it would have cost $100,000 less. There is this fact to be borne in mind: the officers of the two houses are not civil servants. The civil servant is the servant of the public all the time. His duties extend from the first of January to the thirty-first of December, Sundays and holidays excepted. But the officers of the two houses are not of that character: after the work connected with the Session has been completed their duties do not require anything like the whole of their attention for the remainder of the year.

HON. MR. MACINNES (Burlington)—As I understand it, the officers of the House of Commons and of the Senate do not come under this Act at all.

HON. MR. POWER—Yes they do. They are under this clause, and to make it sure that they do come in these words are inserted "or to any person permanently in the public service." Whether these words are to be stricken out or the amendment of the hon. member from Lunenburg is to be accepted, it will come to the same thing.

HON. MR. MILLER—With regard to the remark that has fallen from the leader of the House, I think it is likely to leave a wrong impression. The hon. gentleman has just said that the casual revenue of the House, so to speak, is disbursed by the Committee on Contingencies. That is not the case: that amounts to a very small sum—about $2,000 last year. The Clerk appropriates a portion of that towards paying for the notices and the shorthand writers reports in divorce cases, but these are no part of the contingencies of the House. All the money appropriated for contingencies is from the consolidated revenue fund, and no other fund is drawn on for that purpose. I was not aware that the fund was managed in the way I understand it has been during the last year. The charges of our Contingencies Committee should all come out of the fund voted by parliament for that purpose. Last year, I believe the change was made. If I had been present I would have opposed any arrangent of the kind.

HON. MR. KAULBACH—I do not see why we should deprive this House of the little privileges we possess, and I do not think they will be abused. Nothing can be done without the authority of the Senate. We cannot pay anything without the order of this House, and and therefore I do not think it is open to the remark that it will be abused, because the Senate is not supposed to abuse its privileges.

HON. MR. ABBOTT—The second sub-section is repealed simply because, by the abuse of this sub-section, a junior clerk could be promoted and kept in a position and paid his salary for any length of time.

HON. MR. ROSS (De la Durantaye)—I believe that this clause is a very sound one and should remain unchanged. The proposed amendment would have the effect of destroying it. It has been said that the Government, or one, or both of the Houses of Parliament, will be deprived of the services of specialists. That may be, but after all I think, as it leads to many abuses, it is better to do away with the abuses and lose the valuable services of these men.

HON. MR. POWER—Perhaps the hon. gentleman will point to some case where it has been abused in either House.

HON. MR. ROSS—I am speaking of abuses that come through employes neglecting their regular duties in order to do some extra work.

HON. MR. POWER—Not in this House.

HON. MR. ROSS—If I understand the proposition it is this ; if you amend the clause in such a way that the employes can do only the work of their own Department, but if you require their services for any other work you can have them, you will not prevent the abuses to which I allude by amending the clause in this way, because an employe might neglect his duty and supplementary clerks might be wanted. It is true neither the House nor the Government will have the right to give the work to an employe, but he can make arrangements with another employe to do the work and share the compensation between them. This has already been done and I am sure it will be done again. I think the clause as it stands a very good one. It will do away with many abuses and the employes themselves, who are generally well paid, cannot complain. As far as the House and the Government are concerned, in looking for other people to do the work, I believe that competent persons can easily be found, and perhaps it is only just that outsiders should get their little share of the public money and employment when they can.

HON. MR. KAULBACH—My hon. friend is desirous of bringing in some favorite of a member to do a service which ought to be done probably by the regular employes of the House. The hon. gentleman has at last unveiled the secret. He talks of abuses : I cannot see that any exist. The hon. gentleman cannot point out an abuse of any kind and I fail to see any argument when no such facts exist. I will move my amendment and the leader of the House can take it into consideration. I move to add to the 12th clause, "nothing in the section contained shall affect the rights of either House of Parliament with respect to its employes."

HON. MR. ABBOTT—My hon. friend does not mean to say that there is an abuse in this particular House which he could state : this is a general rule applicable to public employes, not merely the employes of this House, and the motion proposes to make an exception in favor of the employes of the two Houses. I will consult with my colleagues on the subject and refer to it at the next meeting of the House.

HON. MR. SUTHERLAND, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again.

THE HIGH COMMISSIONER FOR CANADA BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of the Bill (136) "An Act to amend chapter sixteen of the Revised Statutes respecting the High Commissioner for Canada in the United Kingdom."

He said—This is a Bill to place the staff of the High Commissioner for Canada under the Civil Service Act.

The motion was agreed to and the Bill was read the second time.

BILLS INTRODUCED.

Bill (117) "An Act further to amend the Revised Statutes, chapter five, respecting the Electoral Franchise" (Mr. Abbott.)

Bill (38) "An Act to amend the Act respecting Patents of Invention" (Mr. Abbott.)

Bill (40) "An Act to extend the jurisdiction of the Maritime Court of Ontario" (Mr. Abbott)

Bill (125) "An Act to amend the North-West Territories Representation Act" (Mr. Abbott.)

STANSTEAD, SHEFFORD AND CHAMBLY RAILWAY AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (139) "An Act to amend an Act of the present session intituled 'An Act respecting the Stanstead, Shefford and Chambly Railway Company.'"

The Bill was read the first time.

HON. MR. STEVENS moved that the 41st rule of the House be suspended and that the Bill be read the second time presently.

He said—The object of the Bill is simply to correct an error. By some oversight the words "Black River" were inserted in the Bill; and it is to strike them out.

The motion was agreed to and the Bill was read the second and third times and passed.

The Senate adjourned at 4:30 p.m.

SECOND SESSION.

The Speaker took the chair at 8 p.m.

THE MIDDLETON DIVORCE CASE.

REFERRED BACK TO COMMITTEE

The Order of the Day being called—"consideration of the report of the Divorce Committee on the bill for the relief of William Henry Middleton."

HON. MR. DICKEY moved that the said report be referred back to the committee for further consideration.

The motion was agreed to.

CRIMINAL PROCEDURE BILL

THIRD READING.

The House resolved itself into a committee of the whole on bill (123) "An act further to amend the Criminal Procedure Act."

HON. MR. TRUDEL, from the Committee reported bill without amendment.

The bill was then read the third time and passed.

CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

The House resumed, in committee of the whole, consideration of Bill (116) "An Act to amend the Civil Service Act, chap. 17 of the Revised Statutes of Canada."

In the Committee.

On clause twelve.

HON. MR. ABBOTT said—Since this bill came before the Committee, earlier in the day, I have had some consultation with my colleagues about it, more especially the Minister of Justice who, in the absence of Mr. Chapleau, represents the Minister in whose special charge this bill is placed, and I find they attach very great importance to the amendments. With regard to the clause which did provide, under the bill as it stands, that no extra work should be paid for unless by a vote in parliament, there is no special importance attached to the repeal of that portion of the clause because it is unnecessary. If the government require a service from any clerk, outside of his regular duties, and desire to pay him for it, of course they have the right to do so and can put the amount in the estimates, and if voted by parliament, as a matter of course that vote repeals this prohibition *pro tanto*. Therefore that alteration is of no importance further than this—that its being there on the statute book gives a standing encouragement to constant demands on them to pay them and put the money into the estimates. The Government prefer, therefore, not to have that power in the first place, because if they want to use it they do not require the power to be put in this Act—they do it through the estimates themselves, and by legislation, in the second place because the fact of its being there is an inducement to constant demands upon the Government for extra work. With reference to the matter which was more specially under discussion at the last sitting of the House, they attach very great importance indeed to that point. They say that for many reasons in the ordinary departments it is very important—absolutely essential, that the giving extra work and extra pay to clerks at the discretion of anybody,

should altogether be abandoned and prohibited, and it is, except in so far as it may be covered by a vote of Parliament. They find the evil quite as great or greater, in the employes of the houses, because they say the duties of these employes are merely circumscribed to the period during which Parliament sits. They have not so much to do during the vacation, and there is a constant flood of importunity upon the Government to give these men extra work, so that they can claim extra pay, and that in most cases, where they yield to this importunity, they find that they are charged enormous prices for it. I do not like to mention before the House the names and particulars of various instances which are given me by the Minister, but I can assure the House, and I believe the House will be satisfied with that assurance, as far as it goes,that these demands and charges were exorbitant in the extreme. If the Government refuse to give them work, they have friends, and by letter and by waiting upon them by deputation the Government are again driven to give them extra work. The Government wish to be relieved of this importunity. They think it is a bad practice and should be stopped altogether. If the amendment is left in this form, it leaves it to their discretion; if they want to give an officer extra work they can do it and put an appropriation in the estimates to pay for the service. At the afternoon sitting of the House, some hon. gentlemen who spoke, alluded to an important piece of business which had been entrusted to one of our officials, which was intended to be done during the vacation and paid for as extra work. I am sure that that statement is without foundation. There has been no extra work given to that official to be paid for. He has been simply instructed to prepare a bill which will necessitate his examining several Acts on the statute book; but there is not the slightest idea, nor was there when it was given to him, that there would be an extra charge for it. It was supposed to be a part of the duty connected with his office, just as similar duties are imposed upon an official who holds a corresponding position in the other House. It seems to me therefore, that there is no solid ground for insisting on the preservation of this power in the House. It does not appear to me that making it illegal for the Government, or anyone else, to pay a clerk in the permanent employ of the Government extra wages, is taking away anybody's privileges. It is not taking away the privileges of the Government to do it, or taking away the privileges of the House. If the Senate is convinced that it is for the public interest that a uniform rule shall be adopted with regard to matters of this description, and that it will be for the benefit of the public to stop this system of extra pay, of course the House will take it away itself. It will be its own action if it concurs in it, which I hope it will do. It will be taking away none of its privileges; it will be doing it in the interest of the public, and I would earnestly press my hon. friend who offered this amendment, after hearing this explanation, and the very strong desire of the Government to be relieved from this kind of importunity and to stop the system which to some extent has already prevailed, to withdraw his amendment and allow this clause to pass.

HON. MR. WARK—I took no part in this debate at the former session of the House, nor would I now say anything, but I think the Bill as it stands is just what the country wants. If anyone looks over the expense of the public service he cannot fail to see that there is money enough paid for what work there is to be done. The deputy heads of the Departments should have power, when the work is not done in time, to keep the clerks an extra hour to have it completed. There is a good deal said about admissions into the public service. My impression is that no man ought to be appointed permanently on his entrance. He ought to be there at least a year on trial, and if he falls short let it be understood that he is only employed for a year. If he comes up to expectations he might get another year's trial before being permanently appointed, and I believe this would have an excellent effect on the civil service. Talk about university education—there are many men who have a university education who know

nothing else but what they learned in the university, and are not fit for much else. A young man brought up in a merchant's office and drilled into business habits would often be better qualified for a position in the civil service than a graduate of a university. Education is a good thing, but it is not everything. Let the Bill stand as it is; I don't wish to see any change made in it.

HON. MR. POWER—I have not been convinced by the presentation of the hon. leader of the House of the reasons why the Government do not wish the proposed amendment of the hon. member from Lunenburg to be adopted. The hon. gentleman drew a picture of the Government being overwhelmed by importunities of officers of Parliament for extra work. I quite acquit the leader of the House of any desire to exaggerate, but I have not the slightest hesitation in saying that his informant grossly exaggerated the facts. I am sure the Government have not been importuned by the officers of the Senate for extra employment.

HON. MR. ABBOTT—I did not say so.

HON. MR. POWER—The change which is proposed to be made by this section limits the powers of the Government in the selection of officers to do the work. It has been alleged and alleged truly that an abuse has crept in of the civil service paying men double salaries—paying them for their own regular work and then paying them additional salaries for extra services, a process which is vulgarly described as greasing the fat pig. There has been a good deal of that, but it has not been alleged that it has taken place with respect to the officers of the two Houses. The hon. gentleman spoke as if an officer of this House proposed to make a charge for some bill that he was to draft after the session.

HON. MR. ABBOTT—It was stated at the first sitting of the House to-day.

HON. MR. POWER—I think the hon. gentleman misapprehended what was said by the hon. gentleman from Ottawa. The hon. member spoke of the fact that the law clerks of both Houses had been employed to assist in the consolidation of the acts. They prepared the third volume which has been published with the two volumes of the consolidated statutes. That is what I understood the hon. gentleman from Ottawa to refer to. That work was done, as I understand by the law clerks of the two Houses, it is just the sort of work they could do better than anyone else. The hon. gentleman has quoted to us the Minister of Justice and spoke of the anxiety he expressed to be relieved from the importunities of the officers of the two oHuses for work. We have had a little experience in connection with this very matter of the Revised Statutes. The commissioners completed the revised statutes; they were put through the press, as I understand, under the supervision of Dr. Wilson, the Law Clerk of the House of Commons, and Mr. Creighton the law clerk of the Senate. Then when a most important part of the work came to be performed, the making of an index, that work was not done by any of the gentlemen who had been engaged in the consolidation of the Statutes, either the commissioners or the gentlemen who had seen the revised statutes through the press, but it was done by a gentleman from the county of Antigonish, taken from outside altogether—brought here by the Minister of Justice—who had had no previous experience in work of that kind, and whose pay I imagine amounts to considerably more than the work would have cost if it had been done by gentlemen in the service of Parliament familiar with the work. As I said before, this clause proposes to limit the choice of the Government in selecting persons to do work; and I think we go quite far enough when we say that no one in the civil service shall be employed to do any work outside of his regular duties; but to say that an officer of either House shall not be employed as a translator or as a consolidator or anything of that sort during the recess of Parliament, is to deprive the Government of the services of some of the men best qualified of any in the country to do the work, and who are not doing any other work. I think that it is

not quite fair to put the Houses of Parliament on the same footing as the departments of the civil service. Parliament is supposed to be—perhaps it is a violent supposition just now—the master of the Ministry. The civil servants are all practically the servants of the Ministers; and I do not think Parliament should limit their own powers or rights at all. If we see fit to make any rule about our officers we can do so; but I do not think we should tie our hands in this way.

The Committee divided on the amendment which was rejected.

Contents 17; non-contents, 22.

The clause was adopted.

On clause 13.

HON. MR. ABBOTT said—Sub-section 2 of section 58 of the Civil Service Act is unnecessary, because the section which follows it makes provision for all the particulars which are required by this sub-section. I do not understand how the two ever came to be inserted in the Act. Sub-section 2 of section 58, which this clause repeals, provides that the Secretary of State shall cause to be printed a civil service list, giving the same information, and something more. The one covers the other.

The clause was adopted.

HON. MR. MCCLELAN, from the Committee, reported the bill with amendments which were concurred in.

The bill was then read the third time and passed.

HIGH COMMISSIONER FOR CANADA BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (136) "An Act to amend chapter 16 of the Revised Statutes respecting the High Commissioner for Canada in the United Kingdom."

In the Committee.

HON. MR. SCOTT—Have we any return of this staff?

HON. MR. ABBOTT—Yes, I now lay it on the table. It is not a formal return; it is a memorandum that I got from the Minister.

HON. MR. POWER—Why should not the clerks of the Department come under the Civil Service Act?

HON. MR. MILLER—They do come under the Civil Service Act, except that they are not subject to examination.

HON. MR. POWER—I am speaking of examination. We have appointed a good many Englishmen and Irishmen to offices here, and I think we ought to appoint Canadians to those offices in London, and if so I don't see why they should not pass the regular civil service examination as well as other clerks.

HON. MR. ABBOTT—Although it might be possible, if we desired to send a Canadian clerk to England, to require him to pass his first examination here, he could not pass the subsequent examinations. It would be too expensive to bring him back for the purpose. We thought it better to dispense with that than to incur the expense of bringing these clerks back to Canada to pass their examinations.

HON. MR. MILLER—I take it for granted that these four third-class clerks are all Englishmen.

HON. MR. ABBOTT—I could not tell. I know the chief clerk is engaged here.

HON. MR. MILLER—I do not think there is any danger that the High Commissioner would select men not qualified for the position.

HON. MR. POWER—If my hon. friend has the same confidence in the other Ministers that he has in the Finance Minister, why have this civil service examination at all?

HON. MR. MILLER—In England the same pressure would not be brought on the High Commissioner for the appointment of these subordiate officers that there would be in this country.

HON. MR. ABBOTT—All the rest of the Civil Service Act applies to them. It is only the examination that they are exempted from.

HON. MR. POIRIER, from the Committee, reported the Bill without amendment.

The Bill was read the third time and passed.

ELECTORAL FRANCHISE BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second read of bill (117) "An Act further to amend the Revised Statutes, chapter five, respecting the Electoral Franchise."

He said—This bill simply extends the existing lists for another year.

HON. MR. SCOTT—All the other clauses are dropped?

HON. MR. ABBOTT—Yes, everything else is dropped.

HON. MR. POWER—This is the third year that we have passed a bill of this kind, and I think that is a circumstance that calls for unfavorable notice. Up to the year 1885 we were not troubled with bills of this kind at all. In those days we did as they do in the United States, we allowed each province to settle the franchise for the electors in that province. In 1885 we took the duty of making up the electoral lists away from the Provinces where the work had generally been done by municipal officers without any expense to Canada, and we undertook to hand it over to officers to be selected by the Government. In addition to the other objections that were made to this measure at the time it was passing, there was the objection that it would be a very expensive measure; that the expense of making up the electoral lists would be a serious charge on the public treasury. That objection was made light of. Now, three years have gone by, and the Government anxious to show how perfectly right the Opposition were that this was a Bill that should not be passed, declining to bring the machinery of the Act into force on the ground that it would involve great expense to the country. It is true that the course of the Government saves expense to the country, but it disfranchises a large number of people who are entitled to vote, and if an election were to take place between now and next session one-fifth of the people who are entitled to vote would be disfranchised. This is most objectionable; and the Government have practically admitted that they made a mistake; and the more manly way would be to repeal the Act of 1885 and leave the franchise where it ought to be, with the provinces, instead of bringing in this amendment. Since the Act passed in 1885, manhood suffrage has become the law in Ontario, as it was previously the law in British Columbia and Prince Edward Island. If the people of Quebec and the two Lower Provinces wish to retain a more limited franchise, I do not see why this Parliament should interfere with them; but the probabilities are that in Nova Scotia, they will, at a very early day, widen their franchise beyond what it is at present. This Bill is the best evidence we could have that the Government were completely mistaken in their Electoral Franchise Act; and, although I am not anxious that the expense of revising the lists should be incurred, I think it is altogether wrong to pass such a measure as this. There is certainly no English colony or province in the world where the people are obliged to go to the polls to-day on lists that are three years old, and I think the Government have reason to be ashamed of the present condition of things.

HON. MR. HAYTHORNE—I concur in the remarks of the hon. gentleman from Halifax. I remember quite well that on an occasion when a leader of this House, who is Lieutenant Governor of Ontario now, moved a Bill similar to the one which is now before the Committee, strong objections were

taken to it by several Liberal gentlemen on this side of the House. I for one protested against this sort of thing and I showed very good grounds for saying that it was the duty of every country to jealously guard its liberties, not so much in great things as in small, because the liberties of countries are not attacked in those days in that way. It is in small things first. If the Government, by neglecting the electoral lists, can secure a majority to retain themselves in place, it is clear that the country is not in full enjoyment of the liberties that it ought to have. The plea of expense was originally and strongly urged in this House and in the other House in connection with these electoral lists—that it was unnecessarily large, and I pointed to the system which prevailed in Great Britain from the time of the Reform Bill in 1852, and which had continued up to the time I referred to—1885. That principle had existed in England for a great number of years; it was cheap, and gave general satisfaction. The names of the voters in the parish were attached to the parish church gate at a certain season of the year, and any one who claimed the right to vote on payment of a shilling could get his name placed on the list; after certain delay the lists were revised by gentlemen of certain standing at the bar, not appointed by the Government of the day but by the Chief Justices of Assize, men not likely to be influenced by political opinion. If that is not so, why have we removed the election trials here from Parliament to the courts of justice? I recollect perfectly well that when it became necessary to move again in the same manner, I said then that we should likely find the Government doing the same thing this session, and there is nothing now to prevent the Government from doing the same thing next session if they think they can command a majority in Parliament. I hold that this is a dangerous and insidious attack upon the liberties of the electors.

HON. MR. KAULBACH—The hon. gentleman from Halifax first complains of the expense of making those lists, and now he complains that the expense was not incurred last year.

HON. MR. POWER—We have only the lists of 1885.

HON. MR. KAULBACH—He complained of the expense being continued of making up those lists annually, and now complains of not incurring the expense that he formerly objected to.

HON. MR. POWER—The hon. gentleman should not misrepresent me.

HON. MR. KAULBACH—I admit that the franchise at present is very complicated and the making up of the lists expensive; and I hope that by the delay of another year the Government may see their way to bring in a more simple franchise. I cannot agree with the hon. gentleman from Halifax that we should go back to a more limited franchise than we have at present. He would take us back to the limited franchise of Nova Scotia. I am not in favor of that. I am in favor of extending and simplfying the franchise as much as possible. At the same time I think we should have but one franchise for each province. It seems to me to be unreasonable that members of Parliament should be elected in one province by voters who are required to have a property qualification, while those from a neighboring province should be returned under a manhood suffrage system. We might as well claim here the right to fix the franchise for the provinces, as that the provinces should make it up for the Dominion.

HON. MR. SCOTT—Whatever franchise we adopt, it is quite clear that an election held on lists four years old would be on the assessment of 1884. One hon. gentleman said it would make a difference of one-fifth in the vote. I do not hesitate to say it would make that difference, and probably more. There is an element that seems to be forgotten: there are lots of men who voted this year in elections who had not the most distant right to vote. They had sold their property and had left the counties in which they resided when the lists were made up. We know that in some districts of Canada property does not change hands very rapidly, but in some

sections of Ontario property changes hands very rapidly, and one would be disposed to take up the lists and examine them to see the changes that have taken place between the vote that ought to be put on and the vote that ought to be struck off. Many persons voted at the last election here who properly had no vote at all, but they were on the list and you could not challenge them, although it was well known that they had no property at all in the constituency.

HON. MR. MACCALLUM — The House of Commons is directly interested in this matter: we are not. I say that a man who is a candidate for the House of Commnons has, under the present system, expense enough to incur in looking after the voters' lists without requiring to do it every year, and I cannot see what great harm there is, or where the wrong exists, in not having the lists revised annually except in the unfortunate event of a death of some of the members and the ordering of a new election in a constituency. Of course, in a by-election you appeal to the same constituency as you had at the election before, but in case of a general election, of course it would be very unfair and it would do a great deal of injustice, to use the old lists. I can see no harm in extending these lists for another year. We have always had expense in connection with the prepareing of the lists and of course if the local legislatures, or the municipal councils prepared the list, they had to pay for it. We have saved the expense of revising the lists the last three years, and we will save it again by extending the period for another year. Before next session the Government may see their way clear to extend the franchise, and not have a fancy franchise for every part of the Dominion. It should be uniform. This franchise has only been on trial. We have had only one election on it, and we ought to give it time to see how it will work In the Province of Ontario the present Government have resisted manhood suffrage against all the pressure that could be brought to bear against them by the Opposition; they have only adopted it within the last year. Of course we had manhood suffrage in British Columbia and Prince Edward Island, but now I hope, before the next general election, manhood suffrage will be adopted all over the Dominion. I do not think one man should stand in Parliament elected on a property qualification, while his neighbor should be elected by manhood suffrage.

HON. MR. ABBOTT—I fear that my hon. friends who spoke against this Bill cannot have, in their own opinion, a very good argument against it, because they have greatly over-stated the facts of the case—unintentionally I am sure. The hon. gentleman from Halifax said that this revising of the lists has been put off three times. The hon. gentleman from Ottawa, to use a slang phrase, went one or two better, because he said it had been put off four or five times.

HON. MR. SCOTT—I beg the hon. gentleman's pardon; what I said was that the lists were made up in 1885, and then it would be on the assessment of 1884, and of course, this would be four years from 1884.

HON. MR. ABBOTT—The hon. gentleman said that the making of the lists had been put off three or four or five years. As far as I can understand, by the statutes, the making of these lists has been put off only once.

HON. MR. MILLER—Last year was the only year.

HON. MR. ABBOTT—Yes, by the Act of 1887, and this will be the second time. The Franchise Act was passed very late in 1885. No lists were completed that year, and in the spring of 1886, when the next session took place, several amendments were made to the Act, and it certainly was not until that Bill had been passed that the first voters' lists were made up. They should have been revised in 1887, probably, but it was a late period when they were made, and it was thought better to put them off another year.

HON. MR. DICKEY—And the election was over.

HON. MR. ABBOTT—That was a very good reason. It was thought best to put them over for a year, and they were put over in 1887. Now the Government have shown their good faith in the matter. They brought in a bill early in the session to make material amendments in the Franchise Act, and if it had not been for the long debates that sprung up on two or three subjects, that bill would have been passed and there would have been an alteration in the franchise and new voters' lists would have to be made. Unless hon. gentlemen are prepared to stay here for another three or four weeks, as there would be no doubt a very long debate on a new franchise bill, it could not be passed until late in the season, and it was thought better to drop it rather than to keep the House sitting through the summer. The bill was brought down early, and were it not for those long debates, it would undoubtedly have been passed before now, and we should have new voters lists under the new act, and should only have lost one year. So that it does not appear to be a very heinous offence on the part of the government not to have new lists made up this year, when lists completely new would have to be made, if a new franchise Act were to be passed. There is no new election pending and there is no exigency that requires new lists. There may be some by-elections, but I think, on comparing the merits and demerits of this Bill, the Government have been wise in postponing the making of the list until the new franchise Act is passed.

The motion was agreed to, and the Bill was read the second time at length at the table.

HON. MR. ABBOTT moved that rule 43 be dispensed with, in so far as it relates to this Bill, and that the Bill be read the third time.

The motion was agreed to and the bill was read the third time and passed.

PATENTS OF INVENTION BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (38), "An Act to amend the Act respecting Patents of Invention."

He said—The business of the Patent Office, which forms a branch of the Department of Agriculture and Statistics, has increased so materially, that it is necessary there should be a deputy head in charge of it, specially; and the object of this Bill is to authorize the appointing of a deputy head. The expense of the Department is no burden upon the country. The number of patents taken out has increased enormously, and is now very large—and the revenue derived from them by the Patent Office is some $56,000, as against $50,000 expenses.

HON. MR. POWER—And this Bill is to bring the expenses up to the revenue?

HON. MR. ABBOTT—No. It is to facilitate the business of the office without increasing the expense, and thereby render it more efficient.

HON. MR. POWER—The explanation given by the leader of the House was very brief and very clear, but I do not think it was very fair. It is generally understood that there is another reason which weighed more with the Government than the one which the hon. gentleman gave us. He has told us that the fees of the office have very much increased of late, and that the income is some what larger than the expenditure, and that these were the two reasons for having a deputy head put over this department. In the first place I think the multiplication of deputy heads in the departments is an objectionable feature. A deputy head is practically an irresponsible minister, and the fewer of those gentlemen we have, as long as we are able to do the public business without them, the better. The business of this office was done for a great many years by a chief clerk, and, I think it the Government continue to call Mr. Pope chief clerk instead of deputy head it would answer the purpose just as well. The reason for the introduction of this Bill is not the reason the hon. gentleman gave. The reason is, that a gentleman who was very generally spoken of a year ago, at the time of last election, a gentleman who acquired

quite a reputation from one end of the Dominion to the other such as rarely falls to the lot of an unobtrusive officer like the Clerk of the Crown in Chancery, has been removed from the office in which he so distinguished himself to the Patent Office—the gentleman who had been in the patent office before for so many years and performed the duties of it satisfactorily never found it necessary to be appointed a deputy head; but this gentleman is to have an increase in salary and increase in dignity after being in office one year. It is perfectly clear to anyone who understands the motives which operate with a Government such as this, that this Bill is simply intended to enable them to reward an officer who did work which may have been of some advantage to the Government, but which was certainly no credit to himself.

HON. MR. ABBOTT—My hon. friend gives what I think are rather weak reasons against the appointment of the deputy head, and the strong ones—what he considers are his strongest ones—are simply imputing a motive to the Government of which I am unconscious myself, and that is not surprising as I do not take much interest in the ordinary working of the Government. But the reports made to the government are certainly that this gentleman is a most efficient officer. As to the character of this official, from what I hear of him, he is one of the best officers the government have, a lawyer by training and peculiarly fitted for the position conferred upon him. As my hon. friend is bound to have no confidence in the Government, I assume exactly the opposite position and have confidence in the Government, and I believe the reasons that are given for this appointment are well founded on fact. My hon. friend and I must agree to differ on this occasion as to the motives for this bill, and with regard to the bill itself I do not think my hon. friend has made out a case either against the Government or against the department. The number of patents recorded there is yearly increasing, and it is essential that an officer skilled in that particular department, with a knowledge of law, to deal with the cases connected with the department, should have sole charge and management of it. With regard to the deputy heads of the different departments, I think the country is greatly indebted to them. The deputy heads in the departments here are about as efficient and intelligent men as can be found inany departments in the world; and the efficiency of the departments depends very largely on the manner in which the deputy heads perform their duties.

The motion was agreed to and the Bill was read the second time at length at the table.

HON. MR. ABBOTT moved that the 43rd rule of the House be suspended in so far as it relates to these Bills and that the Bill be read the third time presently.

The motion was agreed to and the bill was read the third time and passed.

MARITIME COURT OF ONTARIO BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (40) "An Act to extend the jurisdiction of the Maritime Court of Ontario."

He said—This Bill is simply to facilitate the sale of vessels or steamships under mortgage. I exercise the unusual function of being the representative of one of the leaders of the Opposition in the other House in proposing this Bill. A gentleman there, who has given considerable attention to the subject, introuced a bill, after consultation with the Minister of Justice, and it was agreed that the jurisdiction contained in the first clause of the Bill, should be given to the Maritime Court in Ontario, in order to facilitate the sale of vessels under mortgage.

The motion was agreed to, and the Bill was read the second time at length at the table.

HON. MR. ABBOTT moved that the forty-third rule of the House be suspended in so far as it relates to this bill, and that the bill be read the third time.

The motion was agreed to, and the Bill was read the third time and passed.

THE RESOURCES OF THE GREAT MACKENZIE BASIN.

AN EXPLANATION

HON. MR. SCHULTZ—I desire to refer hon. gentlemen to an item of news copied from the *Canadian Gazette* of London into the Montreal *Gazette* of Friday the 18th inst. The item in question I feel is calculated to throw discredit upon a portion of the evidence given by the Hon. William Christie, an Ex Member of the First North West Council, before the Great Mackenzie Basin Committee, and to impugn also the general character of the evidence received by that Committee. I regret to have to occupy the attention of the House so late in the session, but feel it to be my duty to Mr. Christie and to the members of the Committee to do so. The writer in the *Canadian Gazette* has, evidently, been incorrectly informed as to what Mr. Christie's evidence upon that particular point really was, and in justice to Mr. Christie, I will quote the following transcript of the evidence itself:

"Whilst I am talking of the navigation of the Mackenzie, I would like to make this observation to the committee: during the search for Sir John Franklin's lost expedition, Commander Pullen, of H. M. Ship "Plover," sailed from Honolulu for Behring Straits and Mackenzie River. He went as far north as he possibly could get with the "Plover," then with Lieut. Hooper and some sailors, he took to the boats and coasted along to the outlet of the Mackenzie river. The party ascended that river with their boats to Fort Simpson, the same fall—tracked their boats. The "Plover" returned to Honolulu that same season. A private yacht, the "Nancy Dawson," kept company with the boats for some days longer after the "Plover" left them. This was a yacht owned by a private gentleman."

From this it will be seen that Mr. Christie's evidence agrees almost entirely with the views expressed by the writer in the *Canadian Gazette*; and had he known this, doubtless his letter to that paper would not have appeared.

However, now that it has appeared, I very much regret it, and must ask permission to read some extracts from, and make some statements regarding such high authorities on Arctic navigation as officers' letters to the Admiralty Reports, and opinions of scientific gentlemen, such as Sir Roderick Murchison and others. They are as follows:—

From the "North West Passage."—Robert Buish.

Page 330:—Mr. Martin also reported that the water is exceedingly shallow off and about Escholz Bay, and that although the summer had been a most favorable one in every respect for a vessel coming through, yet the depth of water is wanting. This together with the North East current and the prevalence of the South West winds renders the North West Passage decidedly unattainable.

Page 412:—To the northward of Point Barrow the sea appeared encumbered with lofty icebergs, but on the western side there was a fine open channel, which the Esquimaux assured the party extended uninterruptedly to the southward. They likewise informed them that whales were plentiful to the northward of the Point, and seals were everywhere sporting among the ice. Observations were obtained, which determined the landing place to be in latitude 71°-23′-33″ North, longitude 156°20′ West, agreeing closely with the previous observations of Mr. Elson on his visit to the place. It was high water between one and two o'clock, the rise of the tide being fourteen inches with the flow from the westward. After bidding adieu to their good humoured and friendly entertainers, the party set out on their return and reached the mouth of the Mackenzie river on the 17th August, and finally Fort Rowan, from whence they departed on the 4th September, having thus successfully completed the survey of sixty degrees of coast line of the American continent, which had hitherto remained a blank on the map of the Arctic shores, being a part of the 160 miles of sea coast which it may be remembered intervened between the furthest points reached by Captain Franklin in 1825, and that attained by the master of H. M. S. "Blossom," who was despatched in boats to meet him from Behring Straits.

After much difficulty, arising from the broad and heavy pack of ice that rested on the shore, at length reached the Point; and were rewarded for all their toils and anxieties by the sight of the open sea stretching away to the southward. On Point Barrow, which is a long, low spit, composed of gravel and coarse sand, which the pressure of the ice had forced up into numerous mounds, resembling in appearance huge boulder rocks, Mr. Simpson and his party hoisted their flag and with three loud and hearty cheers took possession in the King's name.

Page 408.—The latitude ashore was 70°-9'-48". From this situation they had the satisfaction of seeing a range of the Rocky Mountains to the westward of Romanzoff chain, and not seen by Sir John Franklin, though within the limits of his survey; Messrs. Dease and Simpson therefore called it the Franklin range, as a just tribute to his character and merits. That evening they reached Sir John Franklin's return reef, where their survey commenced, that officer having got no further. Return Reef is one of a chain of reefs which run for twenty miles parallel to the coast, at the distance of about half a league, affording sufficient depth of water within for small craft. The mainland here is very low. Harrison's Bay which is about fifty miles in breadth by about a third of that in depth, extends from Point Berens to Cape Halkett. At the bottom of this bay another picturesque branch of the Rocky Mountains rears its lofty head, to which they gave the name of Pelleys' mountains, in honor of the Governor of the Hudson's Company. At their base flows Covill's river, which is two miles wide at its mouth, and here the travellers were detained for a whole day by a violent gale from the north east. The country, to the foot of the mountains, appeared to consist of plains clothed with low grass and moss, affording pasture for herds of reindeer. Observations were taken here, which determined Cape Halkett to be in latitude 70° 43' North, longitude 152-14 West, the variation of the compas 43°-8'- 33" East.

The following is from Richardson's Polar Regions.

Page 235.—To the westwards of Bank's Land, at some distance seaward from the American continent is found the permanently ice-blocked sea, called by the Eskimos "the land of the white bear." This gigantic flow we believe to be formed by the continued eastern set of the deep tidal and oceanic currents of the Polar Sea east of Spitzbergen and that it is prevented from permanently blocking up the coast line of the American continent only by the influence of the rapid tides which enter the Polar Sea through Behring's Straits.

Page 239.—Barron Wrangell's description of the sea ice north of the Kolyma, already quoted, will apply generally to the ice of the north of America, but though there are high hummocks or ridges where currents or strong winds have pressed the floes and smaller pieces together, and caused them to over-ride each other, there are no ice bergs of any size in the Arctic American Sea, from the absence of glasiers to furnish them, either on the continental shore or islands due north of it. The nearest approach to an iceberg on the American coast line is a talus of drift snow formed under a precipitous cliff washed by the sea, which breaks off by the action of the waves and sun after one or more summers. They are few and comparatively insignificant when contrasted with the mountain bergs furnished by the vast glasiers of Greenland and Spizbergen.

Page 240.—Sir Robert M'Clure and Capt. Collison in the voyages from Behrings Straits to Bank's Land, obtained information of the fixed barrier of ice already noticed as distant from thirty to forty miles from the continent. It is probable that this ice belt hangs on to the northern chain of islands.

Page 241.—About the end of September fresh ice begins to encrust the surface of the sea, so as to terminate the general navigation for the season, and the history of the Arctic enterprise in the earlier pages of this work, shows that in certain localities, and in some seasons the ice may be packed by prevailing winds and currents so as to obstruct the progress of ships for a whole summer, or even for several successive years.

Page 128.—Cook's careful examination of the American coast, from the 58th parallel of latitude northwards proved that there was no passage below Ice Cape, which was the limit of his voyage within Behring's Straits. The Russian surveyor Gwosden had seen the American side of Behring's Straits in 1730, and Behring Tehirikow and De Lisle had rounded the peninsula of Alaska, and touched in 1771 the mainland near Mount St Elias, as well as in latitude 53-30. But Cook was the first who made a continuous and effective survey of those coasts. The failure of Phipps in the Spitzbergen seas, of Cook by way of Behring Straits, and of the vessel sent on two successive seasons to Davis' Straits to co-operate with him satisfied the Admiralty of the day, and for forty years the North West Passage was unheard of in Government bureaus.

In 1789 Sir Alexander Mackenzie, a member of the North West Fur Co. trading from Canada, descended the Great River which bears his name, and traced it to its termination in the Arctic Sea, though this traveller says that he was not supplied with the necessary book and instructions, and with much modesty adds that he was deficient in the sciences of astronomy and navigation, his survey was in the main highly creditable and the position of Whale Island, his extreme point, in very nearly accurate after he reached the sea coart, but the Mackenkie pours out such volumes of fresh waters from its various mouths that the sea does not become salt till near Garry Island, which lies about thirty miles out from the coast of the River delta. The rising of the tide, was, however, observed. The latitude of Whale Island was found to be 69¼ degrees by meridianal observations to sun, and its longitude by dead reckoning 135 degrees west. Before leaving the Island many Beluges of white whales were seen whence the name given the island by Mackenzie.

Page 181.—Before Capt. Kellett made this discovery he had despatched Lieut. Pullen and Mr. Hooper, with two whale

boats to search the coasts between Point Barrow and the Mackenzie. They were conveyed beyond the point by the Nancy, Dawson Mr. Shedden's yacht. The voyage to the Mackenzie was successfully made, whereby in conjunction with Sir John Richardson's and Dr. Ray's boat voyages above mentioned, the whole continental coast line between Behring's and Victoria Straits was examined without any trace of the Erebus and Terror being found. After wintering on the Mackenzie Lieut. Pullen tried, in 1850, to reach Bank's Island but got no further than Cape Bathurst.

It will be remembered by those who have read the interesting narrative of Captain McClure voyage in the Investigator that having reached the neighborhood of Port Barrow without seeing or hearing anything of his consort the Enterprise and after consultation with Commodore Moore, of storeship Plover near Port Barrow for the purpose of aiding Sir John Franklin's ship should be able to reach that point from the east as was his intention or to afford such aid to expeditions trying to attain a North West passage from the west to the east, that fearing he might not be able to reach open water if he delayed, it was determined that he should proceed and in writing to the Secretary of the Admiralty on the 20th July 1850, he mentions among other matters:

1. "After passing Cape Lisburne, it is my intention to keep in the open water, which from the different reports that I have read, appears about this season of the year, to make between the American coast and the main pack as far to the eastward as the 130th meridan, unless a favorable opening should earlier appear in the ice which would lead us to infer that I might push more directly for Banks Land which I think is of the utmost importance to thoroughly examine.

They fell in with a boat containing three Esquimaux who in reply to the queries made to them, held out the gratifying promise of a channel of water being found continuously to the east, and at this season of the year it would vary from three to five miles, the distance to pack them lay off point Pitt. The ice they said never went farther off than at the present time and at one season (that is in the winter) there was no water at all along the coast. They could give no idea of when the water ceased to exist or when the winter season may be said to commence in this region."

It is almost immediately afterwards incidently observed that "the coast of North America in this neighborhood is described as one vast plain; the soil is a dark blue clay, without stone or elevation to break its strange monotony. From the beach the eye ranges over an immense green flat, varigated with moss, grass and flowers, and broken here and there by fine sheets of fresh water. Large herds of reindeer were seen by the Investigator and the whole landscape was strangely novel to our navigators and totally unexpected in the near neighbornood of a sea of eternal ice. The bottom of the sea partook of the level nature of the land, and the soundings were wonderfully regular, enabling the Investigator to work along in spite of flying mists, by alternately standing into three fathoms of water and off to six or seven, where they generally found the edge of a heavier ice brought up and aground. Its enormous thickness may be estimated by considering that to be aground in seven fathoms of water the floes must have ranged from thirty-five to forty feet in depth; and this, of course, being the outer edge of the pack, was lighter than the rest. They seem to have advanced eastward along between the pack of the shore, generally beating against head winds, of sea smooth, and on the tenth this changed to a fresh fair westerly breeze,and the distance widened between the pack and the shore, and they endeavored to steer a straight course for Bank's Land the sea seeming clear before them. At noon they had sounded 190 fathoms without obtaining bottom, but shortly afterwards they discovered that it was a trap off the mouth of the Mackenzie River where the open water extended ninety miles away from their ordinary course. They had to return, and they steered a course outside the Pelley Islands which lie off the mouth of the Mackenzie and fifty miles distant from the mainland. A 10 a. m. the ship passed distinctly athwart the stream, of the Mackenzie overruning the sea-water. The temperature of the water rose from twenty-eight to thirty degrees Fahrenheit. The current is as muddy as the Thames at Woolwich and its taste only slightly brackish. It was during this digression from a straight eastward course that Captain McClure missed seeing the boat's crew of Commander Pullen, who passed him on a return homeward from a visit to Cape Bathurst. That officer havin left the storeship "Plover" the year before skirted the North American coast and descended the the Mackenzie to Fort Simpson, where in the spring he fitted his boats for an advance eastward of the Mackenzie along the coast, but the eastermost point reached by him was Cape Bathurst. After passing the Pelly Islands whales were seen in considerable numbers; and unwilling and wishing to communicate with England before finally entering the pack which he expected to meet beyond Cape Bathurst he landed with a letter and endeavored to induce the Esquimaux to take it to one of the Hudson's Bay Forts upon the Mackenzie for transmission to England. They did not seem willing to accept the commission, and when asked (see page 88) why they did not trade with the white men up the big river, the reply was that they had given the Indians water which had killed a great many of them and made others foolish and they did not want any more of it. After passing Cape Bathurst

and near the mouth of Horton River they discovered a smoking cliff at the bottom of Franklin Bay (page 101) "The fires proved to be volcanic, and issued in smoke strongly impregnated with sulphur from fifteen different cone-like apertures resembling lime-kilns. Dr. Armstrong collected a considerable quantity of specimens of earths and minerals, in which the place was rich. The general appearance of the land was flat, though rising in places to an elevation of 300 feet to 500 feet, and intersected with ravines, exhibiting clay. The volcanoes were about fifty feet above water, and situated on an old landslip, not unlike the undercliff of the Isle of Wight; some pools of water near these concanic cones were strongly impregnated with copperas; and altogether the testimony of our voyagers would lead to suppose that the subterranean fires at this spot have a different origin to those fonnd existing here and there, in about the 56th parallel of north latitude, or the western side of the Rocky Mountains, where such fires are generally imputed to the substratum of coal having caught fire by spontaneous combustion.

In a letter from Lady Franklin to the Admiralty regarding the advisability of the continuance of the search for her husband by way of Behring's Straits are these remarks: "Regretting deeply that you have, as I learn, come to a decision averse to the immediate starting of a vessel by the eastern route since I fully recognize the possibility of following my husband's track on that side down Peel Channel, I may yet be permitted to express the opinion I have long entertained, confirmed as it is by that of your late eminent hydrographer, Sir Francis Beaufort, and by that of Capts. Collison and McGuire that the route of Behring's Straits though longer in distance is of surer and safer accomplishment than that a vessel despatched this autumn to Behring's Straits would probably arrive at the spot to be searched in a shorter time than by the other. Capt. Collison whose experience is the highest that can be adduced on this point, has no doubt that he could even carry such a heavy sailing ship as the Enterprise without the aid of steam, in one season only, to the very locality where the remains of the Erebus and Terror are probably now lying, and where it is at least certain that the Esquimaux hold the secret of their fate, and of the pillage they have acquired from the catastrophe."

In a memorial from Sir Roderick Murchison upon the same subject he speaks thus: (P. 394) "In respect to one of these courses, or that by Behring's Straits, along the coast of North America we know that a single sailing vessel passed to Cambridge Bay within 150 miles of the mouth of the Black River, and returned home unscathed, its commander having expressed his conviction that the passage in question is so constantly open that ships can navigate it without difficulty in one season."

NORTH-WEST TERRITORIES REPRESENTATION BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of bill (125) "An Act to amend the North-West Territories Representation Act."

He said—This is a Bill to make certain provisions necessary to enable elections to be held on the same day in the North-West Territories, as in any of the Provinces of the Dominion. It is composed of four clauses which provide the way in which the election is to be proceeded with, the delays and so on, regulating and assimilating in a great degree, as far as practicable, the practice in the older provinces.

The motion was agreed to and the Bill was read the second time.

The House resolved itself into Committee of the Whole on the Bill.

In the Committee

HON. MR. POWER said:—Why is the time of the proclamation shortened? It occurs to me that a proclamation has to be issued within fifteen days in the older provinces: why do you shorten it from fifteen days to eight?

HON. MR. ABBOTT—It gives seven days more time for the proclamation to be posted up.

HON. MR. POWER—It does not give the voters much notice.

The clause was adopted.

HON. MR. POWER—I should like to call attention to the fact that the Governor General appoints the enumerators who make up the list. They are not bound to take any sort of authority for the list. There is no assessment-roll to govern them. The Governor-General appoints the men who shall name the electors. That is the existing law, and it is continued.

Under these circumstances, the people who are named as Government officers practically elect the supporters of the Government, and I presume that that will continue as long as that system of appointing enumerators lasts.

HON. MR. ABBOTT—There is practically universal suffrage, and there can be no selection such as the hon. gentleman describes.

HON. MR. POWER—The Governor-General appoints the enumerators, and they make out the lists.

HON. MR. ABBOTT—But there is another clause which describes who the electors are. It is almost manhood suffrage.

HON. MR. POWER—Every elector must have his name on the list, and if these officers do not put the name on the list, he cannot vote.

HON. MR. ABBOTT—The hon. gentleman seems to have no confidence in anyone.

HON. MR. POWER—I may have had a good deal of confidence, but it has received severe shocks.

The clause was adopted.

HON MR. DICKEY, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

The Senate adjourned at 9:40 p. m

THE SENATE

Ottawa, Monday May 21st, 1888.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

THE MIDDLETON DIVORCE BILL.

POSTPONED.

HON. MR. DICKEY, from the Select Committee on Divorce, to whom was referred Bill (K) "An Act for the relief of William Henry Middleton," presented their report.

He said—I might explain that, in deference to some suggestions that were made the other day by the hon. gentleman from Richmond, the report of the Divorce Committee on the subject of this bill was referred back by motion to the Committee for reconsideration. The original report proposed to suspend the proceedings and continue the proceedings from the point at which they have now arrived until next session, so that the consideration of the Bill will be commenced from the point at which it is dropped this session but the new report simply asks the House to recommend the proceedings that have already been taken, in the way of notice, to the favorable consideration of any Committee to which this Bill may be referred next session. A new petition will have to be presented; a new bill passed through two stages, until it comes to the Committee; and the recommendation is simply confined to the question of notice given for the consideration of this Bill, as to the sufficiency of which a Committee of this House have been satisfied during the present session There is a recommendation, that in case they consider favorably a future application, that further notice should be dispensed with. I have taken some pains to ascertain the effect of this, by showing this report to the leader of the House, and to my hon. friends. I did so, as this would be a precedent, in order to secure perfect unanimity; and as it met with no objection whatever at this late period of the session, I beg to move that the report be now adopted.

The motion was agreed to on a division

RESOURCES OF THE GREAT MACKENZIE BASIN.

REPORT ADOPTED.

HON. MR. SCHULTZ presented the seventh report of the select committee appointed to enquire into the resources of the Great Mackenzie Basin.

The report was received.

HON. MR. SCHULTZ moved that the report be taken into consideration presently.

HON. MR. ALMON—I wish to know if the other witnesses who were before the committee are to be paid likewise ?

HON. MR. MACDONALD (B.C)—No. Bishop Clut is the only one.

HON. MR. ABBOTT—When this Committee was appointed there was a sort of informal understanding that the witnesses who would be summoned before the Committee were not to be paid, but I understand from the members of the Committee that this gentleman has given very valuable evidence indeed, probably such evidence as no other person could have given, as he is familiar with a part of the territory that very few others ever traversed, and it is represented that it would be a judicious and proper thing to do to make some allowance to him for his expenses. He remained over in Montreal four or five days to prepare his answers and took a great deal of trouble and spent a good deal of time over it. Therefore I am not disposed to oppose the report of the Committee in respect to BishopClut.

The report was adopted.

THE GUIMOND AFFAIR.

HON. MR. BELLEROSE—Will the hon. gentleman inform me when I may expect that a return to the Address which I moved for some time ago respecting the Guimond affair will be brought down ?

HON. MR. ABBOTT—I have not received it yet, but I will send over to the office and see if it is ready.

THE RAILWAY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (24) "An Act respecting railways."

The Bill was read the first time.

HON. MR. ABBOTT—With regard to this Bill, and one or two others which we shall receive this afternoon, I propose, with the assent of the House, to go on with them, taking the different stages without any interval between them. The Railway Act is really not altered in principle, and there are not so many details of alterations as I was led to believe there had been, but I shall be prepared with information when it comes up as to every clause, whether it be a new one altogether, or partially new, or adopted from the old Act, and in that way perhaps the House will be satisfied to take it up and go through it clause by clause with the House in Committee, and allow me to proceed to reach the stage without interruption. I move that the Bill be now read the second time

HON. MR. McCALLUM—This is a very important bill and I am sorry that it was not brought down earlier in the session. The public in the section of the country from which I come are deeply interested in this legislation. The railways of the country are put under the control of the Dominion, and consequently the Drainage Act of the Province of Ontario does not apply to them. It has been a great hardship in the part of the country from which I come : in parts of Ontario where there is wet land and the people undertake to drain it, they come to a stop when they reach a railway. There is no power to enable them to cross the railway track. This Bill provides that an appeal may be taken to the Railway Committee of the Privy Council, but it is a great hardship to the farming community to be obliged to come before the Railway Committee here

for permission to construct their drains. There should be an amendment to this Bill to have the difficulties settled by arbitration on the spot and at the time. I do not want the railway companies to pay more than their fair share of the expense of drainage, but as a representative of the people in this House, I am strongly opposed to the railways of this country controlling the people, as I consider they are permitted to do by this Bill. All the interests of the railway companies are protected, while those of the people are overlooked. Now, what am I to do? If this Bill had been brought down earlier in the session, I would have fought it every inch until I got what I wanted, but now I am placed in this awkward position, that if I do that which, as a representative of the people, I should do—oppose this Bill until the Government consent to amend it—we will be kept here until the end of the week. I want a promise from the Government that this matter will be put right next year. I have no fault to find with the head of the Government in this House: I know that he has tried to have this matter put straight, and if he says he will have the amendment made next session, I will waive my right.

HON. MR. ALEXANDER—We may well congratulate ourselves that we have in this Chamber one or two gentlemen who were members of the House of Commons, who served on the Railway Committees there and have had large experience of public affairs. I quite agree with the remarks which have fallen from the hon. gentleman who has just taken his seat. It is extraordinary that the Government should bring for our consideration a bill of such importance to every farmer of the country—a general Railway Act which will require all the experience of hon. members, such as my hon. friend from Welland, to point out to the Government where the Railway Act has been defective. The Premier in bringing a bill of this extent and importance before the Senate, when it is utterly impossible for us to consider it, is showing a total want of respect for this House—just like the Government appointing men with dreadful records—men who may appear in criminal courts—to prominent positions. There is no reason why they should do so; the first Minister of the Crown is a popular man; he is beloved by the people and has both Houses of parliament at his back: we all follow him. Why does he appoint to high positions men who might be brought before the criminal courts charged with crime? I do not mean to oppose this bill, because I have unbounded confidence in the leader of the House. I feel that the appointment of the hon. member is a guarantee to us that whatever is presented he will take the responsibility of it. I always surrender my judgment to his, because he is a man of wealth and independence and one of the most prominent members of his profession. I surrender my own judgment entirely to his, and I desire to offer no opposition to him. We have his distinguished colleague, a gentleman of great Parliamentary experience and a gentleman so well calculated to deal with an important bill of this sort—we have also the guarantee of his presence as a Minister of the Crown, that everything will be right. I do not propose to offer any opposition to the bill.

HON. MR. KAULBACH—Does my hon. friend say that the public business will greatly suffer if this bill lies over until next session?

HON. MR. ABBOTT—I do not understand that there is any question that the bill will be allowed to stand over until next session. I understand that the question is that the bill shall be referred to a Committee of the Whole House and if there is anything wrong with it that we shall have time to put it right. I sympathise a great deal with the hon. gentleman from Monck in his objection to the delay in sending important bills to this House. In this instance the Government are not to blame for it. The bill was brought into the Lower House more than six weeks ago; I have had it on my table for a long time—the Bill was introduced in the other House. It has been postponed by long debates and discussions which took place on subjects which had little or nothing to do with legislation. That has been

the cause of its delay, that and its apparently formidable character. It is so long, I suppose, that in the intervals between political discussions they preferred to take up shorter bills rather than bills of this length. There is this to be said, however, it is rather a codification than a new bill. There is little new in it except two or three clauses put in by the other House. With reference to the special clause to which the hon. gentleman referred, that is one he spoke to me about early in the session. I thought that his suggestion, that there should be some means for carrying drainage across railway tracks, was reasonable, and I took the trouble to go over the subject with my hon. friend and to see in what form some such clause could be put in the Bill that would be fair and reasonable. I mentioned it also, and it was brought up in the other House and discussed there at considerable length, and the clause which we now have was there agreed to. It was not introduced in its present form but suggested on the floor of the House after discussion. There is just this distinction between the clause which my hon. friend objects to and the one which he thought would answer the purpose, and it is, no doubt, an important difference: If a municipality has decided upon a system of drainage which would cross a railway, it should have a right to have the drain made, and the question how the work should be paid for was to be settled, according to the view of my hon. friend, by arbitration. The clause which is put in the Bill is to the effect that the municipality may express a desire to cross a railway, and the Railway Committee of the Privy Council shall decide in what proportions the municipality and the railway are benefited and in what proportions they shall pay the cost. The main question is whether this proportion shall be determined by the Railway Committee of the Privy Council or by arbitration.

HON. MR. MACCALLUM—It is an important distinction.

HON. MR. ABBOTT—There are many cases where it would be quite proper that the Railway Committee should decide it, because it might be a trench on an extensive scale which would carry a large body of water on the railway and become dangerous to travel. There are other instances where I think local arbitration might be far more satisfactory. I do not know how far we could make that clause this session. I do not undertake to say that it will be done next year. When I undertake to say a thing will be done, I mean that it shall be performed. I cannot undertake that it will be done next session in the form that my hon. friend desires, but if he will allow it to stand untill after recess to-day I will be able to tell him before the Bill is passed whether such an amendment as he suggests, shall be introduced next year. As that is really the only point in which my hon. friend observes anything requiring this criticism, I hope he will allow this bill to be read the second time now.

HON. MR. MACCALLUM—I suppose I shall have to accede to the hon. gentleman's request; but the thing will be over then, so far as exercising my rights is concerned. However, I cannot help it. This bill provides that the Railway Committee of the Privy Council may appoint somebody to settle this matter. What I complain of is this: that you put people to the trouble of procuring evidence, and taking the matter before the Railway Committee, for every ditch they may have to dig through a railway; and there are several municipalities where this will be necessary. I know several townships in this country where the land is worth very little, and they assess themselves three and four dollars an acre to drain their lands and when they get as far as a railway they are stopped and not allowed to go through because they have no power to compel the railway to permit the trench to be carried further. I appeal to my hon. friend at the head of the Government that it is his duty, rather than mine, to see that this grievance is removed. After the explanation he has given, I look to him and hold him responsible before the people of this country to provide the necessary legislation. I do not want to bring upon myself the ill-will of this House by opposing this legislation and prolonging the session. Therefore, I shall depend on the leader

of the Government to see, if it is not introduced in this bill, that it is done next year. I do not say that the bill as it stands makes the matter any worse than it was before : in fact, it makes it a little better than it was when the bill was introduced. I am satisfied that there is a good deal of difference between it now, since we have taken control of the Railways of the country, and before. While it was under the control of the local Government, the Drainage Act applied, and they could compel the Railways to do what was right and reasonable. That is all we want the Railways to do, and the interests of the people are as important as the interests of the Railways and the people should not be tyrannized over by any Railway Company.

HON. MR. POWER—The proper course to take is the one first indicated by the leader of the House, when he said there was time to make any desirable amendments in the bill. The hon. member from Monck was, apparently, under the impression that this question of drainage did not arise anywhere except in Ontario.

HON. MR. MACCALLUM— I did not say so. I know that they want drains in every part of the country.

HON. MR. POWER — The hon. gentleman's remarks are directed to Ontario. Although we are told that the clause of the Bill provides a means by which drainage can be effected, still that is in a great many cases a practical denial of the right to drain altogether. For instance in Nova Scotia, the people of the country must come up here to Ottawa and appear before the Railway Committee of the Privy Council for the purpose of having a railway company compelled to allow them to make a drain through the road, and I do not see why the railway should be placed in any different position from any other property. If the local laws make provision for drainage we should provide in this Bill such machinery as may be necessary to compel the railway companies to come under the local law with respect to drainage. I think that is reasonable and proper. We give these railway companies great privileges and we should not give the privileges which they enjoy at the expense of the people of the country through which they pass. A railway is a benefit to a district as a rule, but if that railway is allowed to become a sort of dam to the trenches along its course, it becomes an injury to a very considerable extent. The hon. gentleman who leads the Government here is, probably, as skilful a man as there is in the whole of Canada in the matter of drafting bills and amendments to bills, and I have no doubt, if he takes the pains, he will be able to produce at the next meeting of the House an amendment which will meet the views of the hon. gentleman from Monck, and I think that is the proper course to take. The hon. gentleman has told us that he cannot make any promise as to next year : if the law is not what it ought to be, our duty here, as members of parliament, is to make the amendments which we think desirable, and to put the responsibility of rejecting them on the other House, and I hope that course will be adopted in this instance

HON. MR. ABBOTT —My hon. friend assumes that the amendment of the hon. member from Monck is one which this House must immediately adopt. I do not know that we can admit that altogether. I have an idea that this 14th clause makes the regulations in regard to these drains more stringent than they ought to be in a great many cases ; on the other hand, it may be a good rule in some other cases. How far we can apply that, so as to make a distinction between the two classes of drains, is not a very easy subject to be considered. By the time the House meets next session, I shall be able, after a consultation with my colleagues, to say what shall be done with regard to clause 14 and I hope my hon. friend will not put too much responsibility on me unless he confers upon me the position which he attributes to me, of being leader of the Government, which I have not the honor to be. I move that the 41st rule be suspended, in so far as relates to this Bill, and that it be now read the second time.

The motion was agreed to and the Bill was read the second time.

HON. MR. ABBOTT moved that the House resolve itself into a Committee of the Whole on the Bill.

The motion was agreed to.

In the Committee,

On the first clause,

HON. MR. POWER—In order to avoid any confusion would in not be better to state this to be the Act of the year 1888?

HON. MR. ABBOTT—There can be no confusion, as the other Act is repealed and disappears entirely.

HON. MR. HAYTHORNE, from the Committee, reported that they had made some progress and asked leave to sit again this afternoon.

The report was received and adopted.

RAILWAY SUBSIDIES BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (140) "An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned."

The Bill was read the first time.

Hon. Mr. ABBOTT moved that the rules be suspended in so far as they relate to this Bill, and that the Bill be now read the second time.

The motion was agreed to and the Bill was read the second time.

THE SITTINGS OF THE HOUSE.

HON. MR. ABBOTT moved that when this House adjourns at 6 o'clock it do stand adjourned until 8 o'clock this evening, and from and after 8 o'clock shall be considered a separate sitting.

The motion was agreed to.

NORTH-WEST TERRITORIES BILL.

FIRST, SECOND AND THIRD READINGS.

A message was read from the House of Commons with

Bill ( ) "An Act to amend the Revised Statutes of Canada, chap. 50, respecting the North-West Territories."

The Bill was read the first time.

HON. MR. ABBOTT moved that the 41st rule of this House be suspended in so far as it relates to this Bill and that the Bill be now read the second time.

He said: This Bill is for the purposes of establishing a small legislative assembly, of larger numbers than the present North West Council, to be elected by the people, and to make provision with respect to those people, the qualification of voters and the provision for three expert members of the Council who shall direct and assist them in legislation, but who shall not have the power of voting.

HON. MR. DEBOUCHERVILLE—It does not erect those territories into provinces?

HON. MR. ABBOTT—No, not yet.

HON. MR. KAULBACH—It does not give them responsible government?

HON. MR. ABBOTT—Not yet.

The motion was agreed to and the Bill was read the second time.

HON. MR. ABBOTT moved that the House resolve itself into a Committee of the Whole on the Bill.

The motion was agreed to.

In the Committee.

On the 18th clause.

HON. MR. POWER said: I have a sort of indistinct recollection that in the other Chamber there was some discussion as to the adoption of the License Law in the North-West Territories—that it would be an improvement. I do not know whether it would or not; but would it not be well to make some provision in this Bill that if they saw fit to do so, the Legislature could adopt a license law instead of the prohibitory law.

HON. MR. ABBOTT—I presume, without studying the question, that they will have the right to make what laws they please?

HON. MR. POWER—No, they cannot do anything to over-ride our legislation here, and our legislation provides prohibition.

HON. MR. ABBOTT—That subject does not appear to be dealt with by this law, but I do not know that there is any complaint of the absense of a license Bill. This prohibition seems to be an important factor in the progress of these North-West Territories, in preserving the peace and preventing crime.

The clause was adopted.

HON. MR. VIDAL, from the Committee, reported the Bill with an amendment, which was agreed to, and the Bill was read the third time and passed.

PRINTING OF RETURNS.

HON. MR. ABBOTT brought down a return to an address for further correspondence in relation to the St. Vincent de Paul Penitentiary.

HON. MR. BLLLEROSE—As the printing Committee will not meet again this session, I beg to move that the Address be printed for distribution.

HON. MR. ABBOTT—I do not know how far this agrees wtth the ordinary practice of the House. This return to-day is simply a long letter from my hon. friend, but I presume the other one was before the House in time to be taken cognizance of by the Printing Committee. I think my hon. friend had better give me a little time to consider it and I will mention the matter at the next sitting of the House.

HON. MR. VIDAL—In the absence of the Chairman of the Committee, I may say that at our last meeting it was understood that some more documents would be coming in, and power was left with the Chairman to decide as to what was desirable should be printed or put on the sessional papers or not, and I presume the motion of my hon. friend is to give the Chairman of the Committee an opportunity of judging this matter.

HON. MR. ABBOTT—Could there not be a meeting of the Printing Committee to-morrow morning?

HON. MR. VIDAL—Possibly there might be.

HON. MR. MILLER—If the House passes a motion of this kind it takes the discretionary power out of the hands of the Chairman of the Printing Committee.

HON. MR. HAYTHORNE—The Committee sits generally as late in the Session as possible in order to meet contingencies of the kind that faces us. Now discretion is left with the Chairman of the Committee to say whether papers such as this, that come in the closing days of the session, shall be printed or not. I have never heard any complaint of that discretion not being properly used, and I think it would be well to follow on this occasion the practice that has hitherto existed.

THE RAILWAYS BILL.

The House resumed in Committee of the Whole consideration of Bill (24), "An Act respecting Railways."

In the Committee.

On clause 144.

HON. MR. POWER said: I understand that in the Ontario Act they have a provision which does not interfere with the rights of the municipalities with regard to drainage, and I would respectfully suggest that the hon. gentleman should have a look at that provision before this clause is adopted.

HON. MR. ABBOTT—I will accept the suggestion of my hon. friend and we will allow the clause to stand in the meantime.

On clause 90.

HON. MR. POWER—This is a very serious power, given under sub-section H, to divert or alter as well temporarily as permanently, the course of any stream, water course or highway, or raise or sink the level thereof in order more conveniently to carry the same over, under or by the side of the railway.

HON. MR. ABBOTT—Sections H, I and J, practically refer to the same subject. They are giving the company all the powers that may be necessary to enable them to carry out whatever the House may decide as to section 14.

HON. MR. POWER—It strikes me that the power given in sub-section H is liable to be abused. It seems to me that they should be obliged at any rate not to interfere in any way with the navigability of a stream.

HON. MR. ABBOTT—This refers to section "G," which indicates what watercourse is interfered with. As to the damage which may be caused by it, there is clause 92, which goes further than the section of the old act. It provides that the Company shall do as little damage as possible, and make full compensation for whatever damage is done.

HON. MR. POWER—As I understand, under this sub-section, "H," the Railway Company might so alter the course of a river permanently as to interfere with the navigation; and I think there ought to be a proviso added to prevent that. I would suggest that the hon. gentleman should take that into consideration.

HON. MR. VIDAL—That is provided for in clause 91.

The clause was adopted.

On the 116th clause.

HON. MR. POWER—This seems to give a very general power to a railway company to enter on the lands of private individuals in the winter time. Cases have arisen where the railway companies have entered on lands which were specially valuable—for instance to pass between a man's house and stable, when they might have kept a little away. This clause allows them in the winter to enter on any part of a man's land to put up fences.

HON. MR. ABBOTT—This is the old law, and I have not heard of any abuse of it. My hon. friend no doubt has, but it must be a very rare case. There is a new clause which covers that which did not exist in the act, and probably it is one of the cases that the clause is intended to cover—a special provision that the railway company shall compensate the party injured for any injury done. So if the railway company should undertake to put a fence between a man's house and his stable he would have to pay damages, and round damages too.

The clause was adopted.

On the 191st clause.

HON. MR. MACCALLUM—This clause provides for farm crossings to enable a farmer to get his vehicles across the track, but I think it would be well to provide also that the crossing shall be wide enough to permit of a reaping machine being taken over the track: you might say that the crossing shall not be less than seventeen feet wide.

HON. MR. ABBOTT—We might insert the words "farmers' implements."

The amendment was made accordingly and the clause as amended was adopted.

On the 194th clause.

HON. MR. SCOTT—This clause is intended to apply to all those places where there has been no organization. On the north shore of Lakes Huron and Superior, townships have been laid out, but have no municipal organizations, nor inhabitants in them yet. I daresay the same thing occurs in the North-West. In order to make it clear that the railway corporation is not bound to put up fences in such places, I suppose this clause is framed. Unless there are in-

habitants, or there is organization, it is not necessary to build fences.

HON. MR. POWER—In the Lower Provinces we have no township organization.

HON. MR. SCOTT—This is intended to apply to the North-West and the district north of the lakes. It was thought a reasonable arrangement to provide that where there was a separate township organization, the railway company should fence its line, but that word separate, it appears, was not acceptable to several gentlemen of the House of Commons.

HON. MR. MACCALLUM—I do not see why this clause should not be alllowee to stand as it is. Supposing there are two or three townships together, the clause applies to them, and I think it is more in the interest of the people than to make a change.

HON. MR. POWER—In the Lower Provinces there are large tracts where there is no organization, and I do not see that this provides any protection at all for that part of the country. We have not the system of township municipalities in Nova Scotia, or I believe in New Brunswick either, that exists in Ontario and the North West. I do not see anything in this provision with respect to fences and cattle guards which would directly apply to the Lower Provinces.

HON. MR. ABBOTT—The opject of this clause is to meet a state of affairs which exists in the North West

HON. MR. POWER—We have now practically only the county municipality in Nova Scotia. There are no subordinate municipalities at all.

HON. MR. MILLER—We have the municipal corporations of counties and I think in all instances they are sub-divided into townships. Why not say county or township.

HON. MR. SCOTT—County is too extensive. When you get to Algoma county it includes a very large area. Would not clause 195 apply ? It seems to me that would cover the ground.

HON. MR. ABBOTT—We will allow clause 194 to stand until the next sitting of the House.

On clauses 225 and 226,

HON. MR. ABBOTT—These sections are new and are based on the report of the Railway Commissioners.

HON. MR. POWER—Are they based on the American statute ?

HON. MR. ABBOTT—They are very similar. I know they were framed according to a suggestion made by the Railway Commission, and in a slight degree vary from the American Act on that subject, endeavoring to avoid one or two of the clauses which have rendered that Act almost useless. They seem to me, from reading them, to be easily managed and enforced. They are intended more particularly to enforce equality of charges against all persons employing the railway and admitting some distinction to be made in cases of very long hauls and very large shipments.

HON. MR. SCOTT—There is no discrimination as to shippers ?

HON. MR. ABBOTT—No, that is specially avoided.

The clauses were agreed to.

On clauses 232 and 233.

HON. MR. ABBOTT—Clauses 232 and 233 are new. Clauses 232 provides that.

> No company, in fixing any toll or rate, shall under like conditions and circumstances, make any unjust or partial discrimination between localities.

That is, I think the exact language of the American Interstate Commerce Act, but the proviso is different :

> But no discrimination between localities, which by reason of competition by water or railway, it is necessary to make to secure traffic, shall be deemed to be unjust or partial.

HON. MR. POWER—The other provision will not be worth a great deal with that qualification.

HON. MR. ABBOTT—That is just the qualification they would like to have on the other side, but they have not, and they have been obliged to make a judicial construction of their Inter-state Law, which amounts to about the same thing.

The clause was agreed to.

HON. MR. ABBOTT—Clause 233 is also new, and is from the report of the Railway Commission.

No company shall make or give any secret special toll, rate, rebate, drawback or concession to any person; and every company shall, on the demand of any person, make known to him any special rate, rebate, drawback or concession given to any one.

The clause was agreed to.

On clause 281.

HON. MR. MCCLELAN—In the Province of New Brunswick there are parish magistrates with a jurisdiction equal to two justices of the peace, and such a magistrate ought to have the same jurisdiction to appoint railway constables as a justice of the peace or a stipendiary or a police magistrate has in other provinces.

HON. MR. ABBOTT—If there is a parish magistrate in New Brunswick who has the jurisdiction of two justices of the peace, he ought to be included in this clause. Does my hon. friend say that the title of that officer is parish magistrate?

HON. MR. MCCLELAN—I am not quite certain as to the exact title, but if my hon. friend would allow the clause to stand until the next sitting of the House I will look into our law.

The clause was allowed to stand.

On clauses 289 and 290,

HON. MR. ABBOTT—These are new and important clauses, suggested by the Report of the Railway Commission.

HON. MR. DEBOUCHERVILLE—Is not this a very extraordinary sub-section which provides that it shall only apply to companies and directors and officers of companies within the legislative authority of the Parliament of Canada? We cannot make a law applying to a local railway.

HON. MR. ABBOTT—This is somewhat in the nature of a crime, and we have the right to call it a crime even if it were on a provincial railway. But this is to prevent the possibility of it being construed as applying to any provincial railway.

HON. MR. DEBOUCHERVILLE—If it is to be considered a criminal offence, then the local law cannot apply the penalty.

HON. MR. ABBOTT—It is not an offence that comes exactly within the purview of the criminal law—it is really the infliction of a penalty which may be a very severe one. It might be contended, perhaps, before a local magistrate or justice of the peace, that this offence was a crime, and that therefore clause 289 would apply to the officer of a local road. This sub-clause is put in to make it clear that, although in some respects it may appear to have the constituent nature of a crime, yet still, if the offence is committed on a local road, it is not to be tried under this Act. The Local Legislature could create it an offence in the same way, and can provide a penalty for the violation of its provisions.

HON. MR. HAYTHORNE, from the Committee, reported that they had made some progress with the Bill and asked leave to sit again this evening.

The Senate adjourned at 5:35 p. m.

SECOND SITTING.

The SPEAKER took the chair at 8 p.m.

Routine Proceedings.

RAILWAY SUBSIDIES BILL.

THIRD READING.

The House resolved itself into a Com-

mittee of the Whole on Bill (140) "An Act to authorize the granting of subsidies in aid of the construction of the lines of Railway therein mentioned."

In the Committee.

On the item—Temiscouata Railway.

HON. MR. POWER said — As I understand, it was a question whether the road from the Intercolonial Railway to Edmonston should start from River du Loup or River Ouelle. The Government decided to build the Riviere du Loup Road which is 20 miles longer than the road from Riviere Ouelle, and it appears to me that this subsidy we are voting now is for a portion of the Riviere Ouelle road.

HON. MR. ABBOTT—This is a substitution for the subsidy previously granted. It is for the road that has been determined upon, and is only a re-vote.

HON. MR. MONTGOMERY, from the Committee, reported the Bill without amendment.

HON. MR. ABBOTT moved the suspension of the 41st rule of the House in so far as it relates to this Bill, and that the Bill be read the third time.

HON. MR. POWER—I regret that this Bill does not offer a subsidy, which it ought to have contained, for a railway to which the present Minister of Finance promised assistance in 1887.

HON. MR. MILLER—He denies that emphatically.

HON. MR. POWER—I do not say he has not denied it; I was about to say that he had given the strongest assurance that this road should have assistance.

HON. MR. KAULBACH—To what road?

HON. MR. POWER—It is a road from Dartmouth up to the Musquidobit valley. The hon. gentleman was waited on in 1887, before the election, by gentlemen of both political parties, and who were interested in the Company that proposed to build the road—and those gentlemen came away from the interview satisfied that the Minister had promised assistance to that road. Some of them said that they ought to have an Order-in-Council, and they were told that it was not necessary. I presume that the reason why these votes are granted to the railways mentioned in this bill, is, that the Government are simply carrying out terms made previous to this session. I regret, under these circumstances, that the promise to which I have referred, is not being carried out. It it a very important road, and the people who are interested in it will feel very much disappointed to find that it does not appear in this bill.

HON. MR. MILLER—I have no doubt the hon. gentleman considers the Musquidobit road in the county of Halifax a very important road, and that it should have a subsidy. It is only fair to the Minister of Finance to say that the same statement was made in the House of Commons that is made here by my hon. friend, and that the Finance Minister emphatically denied that he had made any promise of the sort. He said that he stated that he would use his best influence to have a subsidy granted to this road, but he defied them to produce any evidence that he had promised to do anything further, and that proof is not forthcoming. The evidence on which my hon. friend says he has been guilty of a breach of faith with the Halifax company is of the same hearsay character as the evidence my hon. friend now adduces. After the emphatic declaration of the hon. Minister in the House of Commons it is unfair to bring it up now.

HON. MR. POWER—I have not heard the emphatic statement of the Minister, but I have heard the statement of the gentleman who interviewed him. I was interested in this road myself, as it was not only an important road to the city of Halifax, but to the whole of the eastern part of the province, and it would have been a much better road, with better grades than the one on which the hon. gentleman now travels from Halifax to

the Strait of Canso. I admit that the gentleman who had the interview with the Minister of Finance, did not, as he had a right to do, get the promise from the hon. Minister in writing.

HON. MR. ABBOTT—The hon. gentleman from Richmond has answered my hon. friend's question much better than I could. I could not have given as decisive an answer, as my hon. friend heard the Finance Minister's statement and I did not, and I have no doubt he is correct.

HON. MR. KAULBACH—If the road were open from Dartmouth to Musquidobit, it would open a large extent of country. The same remark applies to the subsidy granted to the county of Lunenburg, although we look upon the vote as only an instalment of what we are to get there in the public interest : $3,000 a mile is only a proportion of what a road costs to construct it. The objection I have to those subsidies is, that they are given to promoters of Bills and charter sellers and the money does not go into the roads. Very often these roads do not represent the moneys voted for them and supposed to be spent on them. I believe all the roads in this Bill, especially those now referred to, are certainly in the interests of the sections of the country to which they are to run and particularly where they connect with the main line of the Intercolonial Railway and the Canadian Pacific Railway.

The motion was agreed to and the Bill was read the third time and passed.

A MORNING SESSION

HON. MR. ABBOTT move that when this House stands adjourned to-night it do stand adjourned until to-morrow at eleven A. M.

The motion was agreed to.

The House adjourned during pleasure.

After some time the House was resumed.

RAILWAYS BILL

THIRD READING

The House resumed in Committee of the whole consideration of Bill (24) " An Act respecting Railways. "

In the Committee.

HON. Mr. ABBOTT said—As respects the 14th clause, I do not find that we can agree upon any amendment that will improve it. In my opinion the clause was rather too stringent. I must confess that I think so, but at this time of the session we have been making every effort with Mr. Sedgwick to get it into shape, and I see very well that it would be practically impossible to do it. It requires a good deal of consideration. It would be easy to make it suitable for my hon. friend's province—but we have to consider what is the law with regard to drainage in every other province, and it is impossible to do it satisfactorily this evening, as applicable to all the provinces. If my hon. friend will allow it to stand as it is this session, I promise to give it attention next session and, for my part, I shall be an advocate of ameliorating the law and simplifying the proceeding. I do not hesitate to say I think it is too stringent.

HON. MR. McCALLUM—As far as the leader of this House is concerned, I believe he is desirous to do what is right, but let us look at this clause. I say if that clause goes on the Statute book as it stands, it is a disgrace to the Government of the country. Just let us look at it : "Whenever after due application therefor the Railway Committee decides that it is necessary in the interests of any municipality that means of drainage should be provided, etc." Now, the Railway Committee of the Privy Council is to decide when any municipality in this Dominion, from ocean to ocean, shall be permitted to make a drain across a railway. Is that the way in which the legislation of this country should be framed? I thought we lived in a free country, and that railways were not going to control us altogether. Looking into the future —the not far distant future—if these two

great corporations unite I do not know what will become of the people. All I can do is to protest against this legislation, in the interests of the people of this country. I do not expect that I can throw out this Bill at this time, and I do not know, even if I did that I might not be injuring other properties, but all I can do is to protest against such legislation. I shall avail myself, if I am here next session, of the promise made by the leader of the House, because I feel he is anxious to do what is right in this matter. I say it is not right, proper or just, in the interests of this country, that a Bill like this should be brought up to us so late in the session and that we should be expected to take it *en bloc* without time for due consideration. I say it is not very complimentary to the Senate to send up a Bill of this importance to us and ask us to pass it on such short notice in its present shape.

Hon. Mr. VIDAL—I do not feel the very strong objection to this clause that my hon. friend does. In ordinary practice it is found that where such works are to be undertaken as are alluded to, there is very little difficulty in making an arrangement with the railway company. Where there is a contention or a difficulty of this kind between a corporation and a railway, such matters are generally submitted to arbitration and it does not appear to me to be any very great advantage taking private arbitrators in preference to the Railway Committee of the Privy Council. There has to be a good deal of time given in order to obtain an ordinary arbitration and it does not appear to be so greviously wrong that when a difficulty arises in these matters, it should be submitted to the Railway Committee of the Privy Council—men who desire to do what is right. When any work is to be done that seems necessary for a municipality, it will be allowed, so that I do not think the difficulty is so great. At the same time, I am not sorry to hear that this clause is to receive further consideration next session, and perhaps its stringency may be relaxed. I must concur with my hon. friend as to the undesirability of such an important measure as this being submitted to us as such a late period of the session. I believe that the only way we can protect ourselves against treatment of this kind will be to take a firm stand and, no matter what the importance of the bill submitted to us, refuse it on the ground that we have not time to consider it properly.

Hon. Mr. McCALLUM—I know whereof I speak in this matter. In the town where I live I know that in a distance of 12 miles along a railway there are not less than as many drains crossing the railway and yet there was not a single one as to which an arbitration could be had. The company opposes us in every particular, and we have to coax and pay and pray to get the work done. I do not want to have any injustice done to the Railway Companies. I know they are a great benefit to the country, and it is desirable, even in their own interest, that they should not stand in the way of the improvement of the country in the way they are doing. Who are the Railway Committee of the Privy Council? Men largely interested in the railways of this country, advised by the engineers who are managing their own railways, and the Government of this country have a large railway of their own under their control. Why not leave these matters to local men on the ground—men who can see and judge for themselves, or if there is to be an arbitration, leave it to the county judge who will do what is fair between the county and the railway. I say it is a great hardship and that the fourteenth clause of the bill is a disgrace to the legislation of this country.

Hon. Mr. ABBOTT—I think the hon. gentleman criticises the law a little too severely. Up to this time there was no remedy at all in such a case. According to his own statement people have been unable to get any recourse at all with respect to those railway companies and the drains which cross their tracks. This clause gives them a remedy. They have only to address a letter to the Minister of Railways and he would send a person to examine it, where necessary, and the matter would be heard before the Railway Committee, and if they

choose to be heard they will be heard and an order made to have the work done. What I think is too stringent in this Act is the complication in the process. I think it is a little complicated, but it is better than no remedy at all, and they have no remedy under the existing Act.

HON. MR. MCCALLUM—We have no recourse in these matters since the Government took control of the railways.

HON. MR. ABBOTT—I was just coming to that. The recourse which the Act gives to a person desiring drainage is in reality a little difficult too. The reference to the Minister of Public Works in Toronto is, of course, not so difficult to persons in the extreme limits of Ontario as the reference to Ottawa would be to persons living in remote parts of the Dominion: but it is pretty onerous for a person living, say at Rat Portage, to have to come down to Toronto to get authority to make a drain. This bill is, in degree, no more onerous than the provisions of the Ontario Act. I concur with my hon. friend as to minor works of this character —that the onerous character of this legislation should be got rid of. If we had had more time, I have no doubt we could have hit upon a plan of doing that,and I have no doubt next session we shall. If we find this difficulty, as we no doubt will, with regard to small drains, we will try to find a remedy. Unfortunately, in another place, the time is taken up largely with the discussion of political questions. I venture to say that we have discussed the business of this country a great deal longer and more carefully than it has been discussed elsewhere. Our official report of the debates will not be so large as their *Hansard*, but what talking has been done here has been mainly in connection with the work of the session and not political discussions. I do not wish to be understood as speaking disrespectfully of the House of Commons, or with the intention of censuring, or finding fault with, or criticising another body for the manner in which it performs its duties; but I mention this as a fact—that it is the tendency of that body to take up a large portion of time in the commencement of the session in the discussion of these political questions, and throw back the work of the session, because undoubtedly this Railway Bill was before the House of Commons for a considerable time before it was sent up to us. We have had a day to discuss it. With the exception of this clause we have been able to get at the bottom of all the proposed amendments. The Bill is certainly voluminous, but the new parts of it are few and we have been able to arrive at a reasonable solution of them. Unfortunately this difficulty covers a vast deal of ground and the parties who supposed it was arranged, when the bill was discussed in the other House, have left the city.

This clause shall have further consideration by next session and, so far as it is possible, I pledge myself to procure a reconsideration of it and, more than that, I am ready to state that I sympathise with my hon. friend's views to a considerable extent.

HON. MR. POWER—I am sorry to find the hon. gentleman has not been able to make the amendments which he thought he would be able to make to this clause. I am sure the hon. gentleman is sincere in the desire he has expressed to have the amendment made. It was found when the time came to make this clause that it would involve more labor and time than he thought it would. The hon. gentleman from Monck has secured a promise that the work will be attended to next year. I only hope the hon. gentleman will lead the House next year, and that we will be able to hold him to the promise. The position is not exactly as the hon. gentleman puts it. In Ontario the Minister of Public Works is not allowed to decide whether it is in the interest of the municipality to have drainage or not. The municipality decide that question and the municipal council is the proper authority to decide as to whether a system of drainage is necessary; but when it comes to making a culvert under a railway and carrying the drainage through the road, then if there is a difference off opinion between the railway company and the municipality, the Minister of Public

Works acts as referee. Now, it occurs to me that while the hon. gentleman might not be able to go over the whole ground here, perhaps a few words might be inserted to provide that where no agreement could be arrived at between the railway company and the local authorities, then the reference should be made to the Railway Committee. This clause does not seem to contemplate that there should be any draining done at all by the Railway Committee without a reference to the Railway Committee and I think, in order to make the meaning clear, it would be better to insert some words to that effect where no agreement could be arrived at.

Hon. Mr. ABBOTT—My hon. friend will see that if they could arrive at an agreement, there would be no reference to anybody: the work would be done at once. That was the idea which occurred to me, in endeavoring to amend this clause at first. But the difficulty I see about the agreement is this: if an agreement can be made, there is no necessity for such a provision. Suppose the difference is between the municipality of Rat Portage and the Canadian Pacific Railway Company—and an agreement is necessary; the municipality would be obliged to go to Montreal to make an agreement. I think the municipality should be able to decide for itself whether drainage is necessary or not; and if, after deciding upon a system of drainage, the railway company does not do its share, then the municipality should be permitted to do it, unless the railway company makes a formal objection, and if that be made, then the reference should be made and some other tribunal or authority decide th-point. I not think there is much difference between the powers given by the Ontario Act, because the whole question of making drains is involved in the mode of making them. With this explanation I move the adoption of the 14th clause with the understanding arrived at between us during this discussion.

Hon. Mr. SCOTT—I move to add these words: "At its option the company may construct the works," after the word "point."

Hon. Mr. McCALLUM—In all cases the railway company should do the work but there should be a provision by which the municipality could see that the work did not cost too much.

Hon. Mr. POWER—I object to inserting the words, because the works should be under the supervision of the Railway Committee, no matter who constructed them. If the hon. gentleman will insert these words after "direction," then they could not do so much harm. If the amendment were made as the hon. gentleman from Ottawa suggests, the municipality would be under the supervision of the officers of the railway department in doing the work, but the railway company would not be, if the work was done by it.

Hon. Mr. ABBOTT—Add the words "under the like supervision" after the words proposed by the hon. gentleman from Ottawa: I see no objection to the amendment with these words added.

The clause was amended accordingly and adopted.

On clause 194.

Hon. Mr. ABBOTT—I propose to add to the end of the first paragraph of this section, these words, "provided always that in New Brunswick, Nova Scotia and Prince Edward Island, wherever a county municipality has not been subdivided into local municipalities, each improved or occupied lot of land shall be protected by fences, gates and cattle-guards, as in this section provided." The difficulty is that the description in the first part of the clause does not apply to the local divisions in the Maritime Provinces.

The amendment was agreed to and the clause as amended was adopted.

On clause 281

Hon. Mr. ABBOTT—To this clause I propose to add after the words "North-West Territories," in the thirty-sixth line, the following: "And in the Province of New Brunswick any commissioner of a parish court."

The amendment was agreed to, and the clause as amended was adopted.

HON. MR. HAYTHORNE, from the Committee, reported the Bill with the amendments, which were concurred in.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. TURNER—I wish to say, before the bill is read the third time, that I object to bills of this sort being brought to this House at the last moment. I do not know of any legislative body more suitable to deal with such a bill than the Senate. We have the best railway lawyer in Canada as our leader, we have railway men here who understand the difficulties that arise between the public and the railway companies. As I understand from the leader of the House, this bill has been in the other chamber for about six weeks. If it had been brought into the Senate six weeks ago we could have discussed it and sent it down to the House of Commons after having thoroughly digested it, and no doubt very considerably improved it. I hope the leader of the House will insist upon the Government—as I am satisfied another session this House will—introducing more legislation, especially of this nature in the Senate.

HON. MR. KAULBACH—When this Bill came before us to-day for the first time I was struck with the size of it. The Bill contains 300 clauses, and yet we had not an opportunity to see it until this afternoon. I thought if there was the usual amount of criticism to the Bill, which we usually give such measures, we could not get through with it this session and most of us could not give it that attention which it deserves. When we have the Leader of the House and the Leader of the Opposition agreeing, it shows what an amount of work can be done when both sides agree and both are interested in the same line. I hope that both those hon. gentlemen, who seem to give this matter their special attention in the interest of the railways, are satisfied that it is a perfect Bill.

The motion was agreed to and the bill was read the third time and passed.

The Senate adjourned at 10.10.p.m.

THE SENATE.

Ottawa Tuesday, 22nd May, 1888.

The Speaker took the chair at 11 o'clock a. m.

Prayers and routine proceedings.

PORT BURWELL HARBOR.

PETITION.

HON. MR. SANFORD presented a petition from the president, directors and Company of the port of Burwell Harbor, asking for aid to make the port a harbor of refuge.

HON. MR. MILLER—The petition is out of order. It asks for a grant of money. Such a petition could not be presented in the House.

THE SPEAKER—It asks for aid?

HON. MR. MILLER—Yes, and aid means money.

HON. MR. SANFORD—What they ask for is the improvement of that harbor. I am not sure that the word "money" is used in the petition.

HON. MR. POWER—It involves a charge on the revenue.

HON. MR. KAULBACH—The object of it is money I presume?

THE SPEAKER—It is laid down very clearly that no petition can be presented in this House for a grant of money.

HON. MR.—MILLER—It could not be presented, even in the other House because nothing of that kind can be done except on a message from His Excellency.

THE SPEAKER—It is laid down that petitions may be presented invoking the consideration of the Government in favor of certain works.

HON. MR. MILLER—The House is bound now by what has been stated by

the hon. menber from Hamilton. The petition cannot be read without the consent of the House.

THE SPEAKER—The petition asks for an appropriation and cannot be received.

The House adjourned during pleasure.

After some time the House was resumed.

THE DEPARTURE OF LORD LANSDOWNE.

THE SPEAKER informed the House that he, together with the Speaker of the House of Commons, attended by the Senate and House of Commons, had this day waited on His Excellency the Governor-General in the Senate Chamber, with the Joint Address of the Senate and House of Commons, expressing their deep feeling of regret at His Excellency's approaching departure from Canada, and that His Excellency was pleased to make the following most gracious reply :—

Honorable Gentlemen of the Senate:
Gentlemen of the House of Commons :

I thank you cordially for the generous terms in which you have been pleased to take leave of me. The unanimous expression of your good will, coming as it does from the whole Parliament of the Dominion of Canada, falls from your lips with an authority which admits of no question. I accept it from you as the representatives of the Canadian people, and to that people as well as to you I offer my grateful acknowledgment for the signal honour which you have conferred upon me.

I cannot avoid referring to the recent loss which your Houses have sustained not only by the death of your distinguished predecessor, Mr. Speaker, in the Chair of the Senate, a gentleman whose admirable qualities had earned for him the respect and affection of all who had the pleasure of his acquaintance, but also by the removal of other valued members of both Chambers, and I regret that I must include amongst those who have been taken from us one of the most trusted and honored of my Ministers—a statesman whose premature end has deprived Canada of an able and indefatigable servant and the representative of the Crown of a most faithful and loyal adviser.

A residence of nearly five years in this country as the representative of Her Majesty, has given me a deep and abiding interest in its affairs. I feel that I cannot overrate the advantage which it has been to me to have had a part in the administration of the Dominion and to have watched at close quarters the working of the wise and liberal institutions under which your community is governed. I shall rejoice if at a future time the experience which I have thus been able to gain, should as you have been good enough to suggest, enable me to guard the interests or to promote the welfare of the Dominion. Be this as it may, I can never entertain towards this country any feelings other than those of a friend bound to it by the deepest gratitude and respect.

I may, I hope, congratulate you on the fact that during the years which I have had the good fortune to spend in your midst, the main principles of the Federal constitution have successfully stood the test of experience and are regarded as the basis of an enduring political system well adapted to the requirements of your people.

Your relations with the Mother Country have been without exception of a cordial character. There has in no single case been a serious divergence of opinion between the Government of Her Majesty and that of the Dominion. A free interchange of views between the two has, in every instance, brought into prominence the closeness of the accord by which in all vital matters they are united—an accord which, I believe, reflects the ever increasing esteem entertained for each other by the peoples from whom those Governments derive their power.

I rejoice to know that you are pleased to recognize the deep concern which I have felt in the material progress of the Dominion, and I note with especial pleasure your reference to the completion of the national highway by which the Provinces are now united, a work which has so greatly contributed not only to the consolidation of the Dominion, but also to the strength and to the resources of the Empire.

I have felt it to be a privilege to be allowed to associate myself with your people in their spontaneous endeavors to obtain an increased share of attention for the fine arts and for literature and science, and I have observed with pleasure the degree of success by which those endeavors have been attended.

I cannot pass over in silence your reference to the fact that Her Majesty has been pleased to entrust to me the duty of representing her in another portion of the British Realm, and differing no doubt in almost every respect from that for which you are called upon to legislate, but forming like it a splendid and integral portion of the Empire which is the common inheritance of all Her Majesty's subjects. Your congratulations and your readiness to regard with favor my selection for so arduous and important a post will inspire me with courage to undertake the heavy responsibilities which are inseparable from it.

I feel sure that your good wishes for our

welfare are sincere, and I have heard from you with a feeling of the deepest gratitude that you regard our approaching departure from this country with regret. Your kindly and appreciative mention of her who has shared with me the happiness of the last five years has touched her heart and mine. I thank you in Lady Lansdowne's name as well as in my own for your personal courtesy to us both. During our residence in Canada it has been our good fortune to become acquainted with a large number of the members of both Houses. We shall always look back with satisfaction to our intimacy with these representatives of the Canadian people, a satisfaction which is increased by the assurance which you have now given us that the regard which we have felt for you has been mutual.

I shall not fail to convey to Her Majesty the expression of your unaltered devotion to Her, and of your loyalty to Her Empire. I thank you in Her name, and I pray that there may be conferred upon the people who have reposed in you the sacred trust of watching over their interests in the councils of the nation every blessing which can serve to establish upon sure foundations the greatness and the reputation of your country. I trust that under the will of Providence it may long continue to present to the world the spectacle of a united and contentad community, not only proud of its own prosperity and confident in its own future, but glorying in its connection with the British Throne and determined to bear its part in adding to the greatness and the renown of the Empire.

LANSDOWNE.

May, 22, 1888.

THE PROROGATION.

His Excellency the Most Honorable Sir HENRY CHARLES KEITH PETTY-FITZMAURICE, Marquis of Lansdowne, in the County of Somerset, Earl of Wycome, of Chipping Wycombe, in the County of Bucks, Viscount Caln and Calnstone in the County of Wilts, and Lord Wycombe, Baron of Chipping-Wycombe, in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry and Earl of Shelbourne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, in the Peerage of Ireland; Knight Grand Cross of Our Most Distinguished Order of St. Michael and St. George, Governor-General of Canada, and Vice-Admiral of the same, &c., &c., &c., being seated in the Chair on the Throne.

THE SPEAKER commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House—"It is His Excellency's pleasure they attend him immediately in this House."

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, severally, as follow:—

An Act to make further provision respecting the Brantford, Waterloo and Lake Erie Railway Company.

An Act to confirm the Charter of Incorporation of the Great North-West Central Railway Company.

An Act respecting the International Convention for the Preservation of Sub-marine Telegraph Cables.

An Act to incorporate the Nisbet Academy of Prince Albert.

An Act to incorporate the Belleville and Lake Nipissing Railway Company.

An Act to amend the Act relating to the Wood Mountain and Qu'Appelle Railway Company.

An Act to incorporate the Chatham Railway Company.

An Act to amend the Act to incorporate the Maskinongé and Nipissing Railway Company.

An Act to incorporate the Tobique, Gypsum and Colonization Railway Company.

An Act to incorporate the South-Western Railway Company.

An Act to grant certain powers to the Nova Scotia Telephone Company (Limited).

An Act to empower the Merchant's Marine Insurance Company of Canada to relinquish its charter, and to provide for the winding up of its affairs.

An Act to incorporate the Bronsons and Weston Lumber Company.

An Act to incorporate the River Detroit Winter Railway Bridge Company.

An Act to incorporate the Grenville International Bridge Company.

An Act further to amend "The Speedy Trials Act," Chapter one hundred and seventy-five of the Revised Statutes.

An Act to authorize the construction of Bridges over the Assiniboine River at Winnipeg and Portage la Prairie, for railway and passenger purposes.

An Act further to amend "The Indian Act," chapter forty-three of the Revised Statutes.

An Act to make further provision respecting the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited).

An Act to incorporate the Montreal Island Railway Company.

An Act authorizing the Town of Kincardine, in the County of Bruce, to impose and collect certain Tolls at the Harbour in the said Town.

An Act to incorporate the New York, St. Lawrence and Ottawa Railway Company.

An Act to amend the Revised Statutes of Canada, chapter ninety-seven, respecting Ferries.

An Act to incorporate the Keystone Fire Insurance Company.

An Act to incorporate the Buffalo, Chippewa and Niagara Falls Steamboat and Tramway Company.

An Act to amend the several Acts relating to the Board of Trade of the City of Toronto.

An Act to incorporate the Dominion Plate Glass Insurance Company.

An Act to incorporate the Annapolis Atlantic Railway Company.

An Act to amend the Act respecting the St. Catharines and Niagara Central Railway Company.

An Act respecting the Central Ontario Railway,

AnAct respecting the Ontario and Quebec Railway Company.

An Act relating to the Upper Ottawa Improvement Company.

An Act to amend chapter twenty-seven of the Revised Statutes, respecting the Department of Public Printing and Stationery.

An Act respecting the advertising of Counterfeit money.

An Act respecting the York Farmers Colonization Company.

An Act to amend the law relating to fraudulent marks on merchandise.

An Act respecting the Thousand Islands Railway Company.

An Act to amend the Act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church, in Canada, for Manitoba and North-West.

An Act to amend chapter thirty-two of the Revised Statutes, respecting the Customs.

An Act respecting Gaming in stocks and merchandise.

An Act to confirm a mortgage given by the Central Railway Company to The Central Trust Company of New York to secure an issue of debentures.

An Act respecting the Stanstead, Shefford and Chambly Railway Company.

An Act to provide for the winding up of the Bank of London in Canada

An Act for the relief of Eleonora Elizabeth Tudor,

An Act for the relief of Andrew Maxwell Irving.

An Act for the relief of Catherines Morrison.

An Act to authorize the raising, by way of loan, certain sums of money for the Public Service.

An Act relating to the interest payable on deposits in the Post Office and Government Savings Banks.

An Act to amend chapter thirty-four, of the Revised Statutes, respecting Inland Revenue.

An Act respecting the application of certain laws therein mentioned to the Province of Manitoba.

An Act to amend the Weights and Measures Act as respects the contents of packages of salt.

An Act to amend chapter thirty-three of the Revised Statutes of Canada respecting the duties of Customs.

An Act to make further provision respecting the construction of the ship channel between Montreal and Quebec.

An Act further to amend "The Dominion Lands Act."

An Act to amend the Act respecting Defective Detters Patent and the discharge of securities to the Crown.

An Act to amend "The Canada Temperance Act."

An Act in amendment of "The Canada Temperance Act."

An Act further to amend "The Supreme and Exchequer Courts Act," chapter one hundred and thirty-five of the Revised Statutes of Canada.

An Act to amend an Act of the present Session, intituled: "An Act to amend the Act respecting the St. Catharines and Niagara Central Railway Company.

An Act to amend "Dominion Election Act," chapter eight of the Revised Statutes of Canada.

An Act to amend the Steamboat Inspection Act, chapter seventy-eight of the Revised Statutes

An Act relating to certain advances made to the Quebec Harbour Commissioners.

An Act further to amend chapter fity-one of the Revised Statutes of Canada "The Territories Real Property Act."

An Act to amend the Act of the present Session, intituled: "An Act respecting the Stanstead, Shefford and Chambly Railway Company."

An Act respecting a certain agreement between the Government of Canada and the Canadian Pacific Railway Company.

An Act further to amend "The Criminal Procedure Act."

An Act to amend Chapter sixteen of the Revised Statutes, respecting the High Commissioner for Canada in the United Kingdom.

An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise.

An Act to amend the Act respecting Patents of Invention

An Act to extend the jurisdiction of the Maritime Court of Ontario.

An Act to amend the "North-West Territories Representation Act."

An Act to amend "The Bank Act," Chapter one hundred and twenty of the Revised Statutes of Canada.

An Act to amend the Revised Statutes of Canada, Chapter fifty, respecting the North-West Territories.

An Act to amend Chapter one hundred

and seventy-eight of the Revised Statutes of Canada "The Summary Convictions Act."

An Act to amend Chapter one hundred and twenty-four of the Revised Statutes, respecting Insurance

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

An Act respecting Railways.

An Act to amend "The Civil Service Act," chapter seventeen of the Revised Statutes of Canada.

An Act to amend the Act respecting the Judges of Provincial Courts, chapter one hundred and thirty-eight of the Revised Statutes.

To these Bills the Royal Assent was pronounced by the Clerk of this House in thewords following :—

"In Her Majesty's name His Excel ency the Governor General doth assent to these Bills."

Then the SPEAKER of the House of Commons addressed His Excellency the Governor General as followeth :—

"MAY IT PLEASE YOUR EXCELLENCY :

"The Commons of Canada have voted the Supplies required to enable the Government to defray the expenses of the Public Service.

"In thename of the Commons, I present to Your Excellency the following Bill :—

"An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1888, and the 30th June, 1889, and for other purposes relating to the Public Service, to which Bill I humbly request Your Excellency's assent."

To this Bill the Clerk of this House, by His Excellency's command, did thereupon say :—

"In Her Majesty's name, His Excellency the Governor General thanks Her loyal subjects, accepts their benevolence and assent to this Bill."

HIS EXCELLENCY THE GOVERNOR GENERAL was then pleased to deliver the following Speech :—

Honorable Gentlemen of the Senate :
Gentlemen of the House of Commons :

In terminating the present Session of Parliament I desire to record my appreciation of the earnestness and zeal which you have shown in the performance of your public duties.

The measure for the ratification of the Fisheries Treaty agreed upon at the opening of the present year between Her Majesty's plenipotentiaries and those of the United States, to which I have given the Queen's Assent, will, I believe, be viewed with satisfaction by the people of the whole Dominion, as affording a crowning proof of Canada's constant desire to arrive at a just and honorable settlement of all questions arising out of the interpretation of the Convention of 1818.

I venture, with some degree of confidence, to hope that the several authorities whose sanction of the treaty is necessary to its operation, may not be insensible to the great advantage to both countries which the removal of so fruitful a source of illfeeling is calculated to entail

The arrangement under which the Canadian Pacific Railway Company has relinquished the exclusive privileges possessed by it in virtue of Article 15 of the original agreement between Her Majesty and the Company will, I anticipate, meet with general acceptance, and by increasing its financial strength, enable the Company to keep pace with the ever growing requirements of the vast region which the railway serves.

The extension to the people of the North-West Territories of a larger measure of self-government than they have hitherto enjoyed, is satisfactory evidence of the rapid development of that important portion of the Dominion, and will, I trust, be attended with beneficial results

The prospects for a large immigration this year of a desirable class of settlers are, I am glad to believe, exceptionally good.

The various amendments to the laws relating to the Inland Revenue, Railways, the Civil Service and to the other Acts affecting the public interests which you have passed, seem well adapted to meet the circumstances which have rendered them necessary.

Gentlemen of the House of Commons :

In Her Majesty's name I thank you for the supplies which you have readily granted for the carrying on of the public service.

Honorable Gentlemen of the Senate :
Gentlemen of the House of Commons :

I cannot take leave of you for the last time without placing on record my deep regret that my official connection with your country should be at an end. It is a source of no slight satisfaction to me to call to mind under these circumstances the fact that within the last few hours you have been please to assure me of the favor with which you have regarded my endeavers to discharge the task committed to me by Her Majesty.

My interest in the Dominion will not cease with my departure from its shores,

and I pray that in years to come its people may enjoy in abundance every blessing which it is in the power of Providence to bestow

The SPEAKER of the Senate then said :—

Honorable Gentlemen of the Senate and Gentlemen of the House of Commons :

It is His Excellency the Governor-General's will and pleasure, that this Parliament be prorogued until the Thirtieth day of June next, so be here held, and this Parliament is accordingly prorogued until Saturday, the thirtieth day of June next.

The Parliament of the Dominion of Canada was then prorogued until Saturday, the Thirtieth day of June next.

ERRATA.

Page 78, at the end of Inquiry by Mr. Bellerose, strike out the words "certain of which are breaches of the privileges of Parliament," and insert instead "and will ask the Government what course they propose to adopt in connection with such statements and accusations."

Page 79, near bottom of first colum, instead of "156" insert "150."

Page 88, first column, fourth line from bottom, for "there" read "then."

Page 92, first column in sub-head, strike out the word "part."

Page 129, first column, for "Warmenton" read "Warminton."

Same page, for "Jainer" read "Janer."

Same page, for "Leclere" read "Leclerc."

Same page, second column, for "Justinieu," read "Justinie."

Page 132, first column, 7th line from the bottom, strike out the word "alone."

Page 135, first column, for "If Mr. Lamarche is dismissed through Mr. Moylan," read, "If Mr. Lamarche is dismissed thought Mr. Moylan.

Page 144, first column, 8th line from the bottom, for "perversions" read "previsions."

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PART II. constitutes an analytical index to all subjects debated. Names in *italics* and parenthesis after the subject indicate the *movers.*

The following abbreviations have been employed: Amt., Amendment; Appt., Appointment; B., Bill; Com., Committee; Concurr., Concurrence; Corresp., Correspondence; Dischgd., Discharged; Div'n, Division; H.E., His Excellency; H.M., Her Majesty; Incorp., Incorporation; Inqy., Inquiry; M., Motion; *m.*, moved; Res., Resolution; R.R., Railway; W., Whole House, thus Com. of W., Committee of Whole House; Withdr. Withdrawn.

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Assent, 929.

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Assent, 929.

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Assent, 929.

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Assent, 928.

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Assent, 929.

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2nd R.*, 247.
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3rd R., discussed and passed, 276-284.
Assent, 928.

(D) An Act to amend the several Acts relating to the Board of Trade of the City of Toronto.—*Mr. McDonald.*

1st R.*, 185.
2nd R.*, 241.
3rd R.*, 328.
Assent, 929.

(E) An Act to incorporate the Belleville & Lake Nipissing Railway Co.—*Mr. Flint.*

1st R.*, 186.
2nd R.*, 241.
3rd R 260; discussed, 260-261; Amt. and passed as amended, 261.
Assent, 928.

(F) An Act for the relief of Eleanora Elizabeth Tudor.—*Mr. Gowan.*

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3rd R.*, 671.
Assent, 929.

(G) An Act respecting Gaming in Stocks and Merchandise—*Mr. Abbott.*

1st R.*, 247.
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Assent, 929.

(H) An Act for the relief of Catherine Morrison.—*Mr. Gowan.*

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M. (*Mr. McKindsey*), that Robt. McPherson be called to bar of H., agreed to, 489.
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M. to consider Rep. of Com. (*Mr. McKindsey*), agreed to, 559.
M. (*Mr. McKindsey*), to adopt Rep., agreed to on div'n, 671.
3rd R.*, passed, 671.
Assent, 929.

(I) An Act for the relief of Andrew Maxwell Irving.—*Mr. McDonald, Midland.*

1st R.*, 323.
M. for 2nd R., with certain preliminaries, agreed to on div'n, 324.
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M. (*Mr. McDonald, Midland*), that Rep. of Com. be adopted, agreed to, 671.
3rd R.*, passed, 671.
Assent, 929,

(J) An Act to incorporate the Royal Victoria College.—*Mr. Abbott.*

Petition to present B., received, 327.

1st R., and *m.* 61st Rule be suspended, agreed to, 383.
M. to withdraw B. (*Mr. Abbott*), agreed to, 714.

(K) An Act for the relief of William Henry Middleton.—*Mr. Clemow.*

Petition for B., 212.
1st R.*, 469.
2nd R., and notice of service, 733.
M. (*Mr. Clemow*) that H. is satisfied with proofs, agreed to on div'n, 733.
M. (*Mr. Clemow*), for 2nd R., agreed to on div'n, 733.
M. that B. be referred to Com., 734; discussion, 734-735; Rep. of Com. presented and discussed, 840.
M. (*Mr. Dickey*), that Rep. be referred back to Com., agreed to, 898.
M. (*Mr Dickey*), to adopt Rep. of Com. agreed to on div'n, 911.

(L) An Act further to amend the Dominion Lands Act.—*Mr. Abbott.*

1st R.*, 564.
2nd R.*, 676.
3rd R., 676; discussed and passed, 676-677.
Assent, 929.

( ) An Act to amend the Act respecting the Judges of Provincial Courts, chapter one hundred and thirty-eight of the Revised Statutes.

Assent, 930.

( ) An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the 30th June, 1888, and the 30th June, 1889, and for other purposes relating to the Public Service.

Presented from Commons (The Speaker), 930.
Assent, 930.

( ) An Act to amend the Revised Statutes of Canada, chapter fifty, respecting the North-West Territories.

1st R.*, 916.
2nd R., discussed in Com. of W., 916-917.
3rd R.*, 917.
Assent, 929.

(4) An Act to amend the Act respecting Defective Letters Patent and the discharge of securities to the Crown.—*Mr. Abbott.*

1st R.*, 356.
2nd R.*, 360.
M. (*Mr. Abbott*), that Bill be read at length at the table, discussed, 537-538.
3rd R.*, and passed as amended, 556.
Assent, 929.

(6) An Act in amendment of the Canada Temperance Act.—*Mr. McKindsey.*

1st R.*, 678.
2nd R.*, 732; in Com., 739; discussed, 739-740.
3rd R.*, 796.
Assent, 929.

(8) An Act to incorporate the Canada & Michigan Tunnel Company.—*Mr. Casgrain.*

1st R.*, 247.
2nd R.*, 259.
3rd R.*, 259.
Assent, 558.

(9) An Act respecting the Canada Southern Railway Co., and the Erie & Niagara Railway Co.—*Mr. McCallum.*

1st R.*, 247.
2nd R.*, 259.
3rd R.*, 259.
Assent, 558.

(10) An Act to amend the Canada Temperance Act.—*Mr. Vidal.*

1st R.*, 678.
2nd R., 731; discussed, 731-732; in Com., 735; discussed, 735-739.
3rd R.*, 796.
Assent, 929.

(11) An Act to empower the Merchants Marine Insurance Co. of Canada to relinquish its charter, and to provide for the winding up of its affairs.—*Mr. Ferrier.*

1st R.*, 324.
2nd R.*, 360.
3rd R., and passed as amended, 430.
Assent, 928.

(14) An Act to incorporate the Western Ontario Railway Co.—*Mr. McKindsey.*

1st R.*, 250.
2nd R.*, 267.
3rd R.*, 285.
Assent, 558.

(15) An Act to incorporate the Nisbet

Academy of Prince Albert.—*Mr. Ogilvie.*

1st R.*, 383.
2nd R., discussed, 431-432; 2nd R., 432.
M. (*Mr. Gowan*), for 3rd R. without amt., 490; discussed, 490-493.
3rd R.*, 493.
Assent, 928.

(16) An Act to incorporate the Chinook Belt & Peace River Railway Co.—*Mr. Sanford.*

1st R.*, 320.
2nd R.*, 330.
3rd R.*, 359.
Assent, 558.

(17) An Act respecting the River St. Clair Railway Bridge & Tunnel Co.—*Mr. McCallum.*

1st R.*, 250.
2nd R.*, 267.
3rd R.*, and passed, 285.
Assent, 558.

(18) An Act to amend the Acts relating to the Great Western & Lake Ontario Shore Junction Railway Co.—*Mr. Vidal.*

1st R.*, 247.
2nd R.*, 259.
3rd R.*, 259.
Assent, 558.

(19) An Act to incorporate the Collingwood & Bay of Quinté Railway Co.—*Mr. McCallum.*

1st R.*, 250.
2nd R.*, 267.
3rd R.*, 285.
Assent, 558.

(20) An Act relating to the Upper Ottawa Improvement Co.—*Mr. Haythorne.*

1st R.*, 559.
Discussion on 2nd R., 671-676; 2nd R., 676; debate resumed, 678-684; Amt. lost on division, C. 13: N.-C., 29, 684.
3rd R.*, and passed, 684.
Assent, 929.

(21) An Act respecting the Port Arthur, Duluth & Western Railway Co.—*Mr. Clemow.*

1st R.*, 212.
M. that rule 16 be suspended agreed to, 213.
2nd R.*, 241.
3rd R.*, 241.
Assent, 558.

(22) An Act to incorporate the Eastern Assurance Co. of Canada.—*Mr. Power.*

1st R.*, 324.
2nd R.*, 328.
3rd R.*, 429.

(23) An Act to reduce the Capital Stock of "La Banque Nationale."—*Mr. Bolduc.*

1st R.*, 323.
2nd R.*, 324.
3rd R.*, 327.
Assent, 558.

(24) An Act respecting Railways.—*Mr. Abbott.*

1st R.*, 912.
2nd R., discussed, 912-916; in Com. of W., discussed, 916; debate resumed, 917-920; debate resumed, 922-926.
3rd R.*, and passed, 926.
Assent, 930.

(25) An Act to confirm the charter of incorporation of the Great North-West Central Railway Co.—*Mr. Clemow.*

1st R.*, 324.
2nd R.*, 328.
3rd R.*, 348.
Assent, 928.

(26) An Act to confirm a certain Agreement made between the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company and the London & Port Stanley Railway Co.—*Mr. Vidal.*

1st R.*, 310.
2nd R.*, 323.
3rd R.*, 323.
Assent, 558.

(27) An Act to incorporate the Bronsons & Weston Lumber Co.—*Mr. Clemow.*

1st R.*, 299.
2nd R.*, 320.
3rd R. passed as amended, 430.
Assent, 928.

(30) An Act authorizing the Town of Kincardine, in the County of Bruce, to impose and collect certain tolls at the Harbor in the said Town.—*Mr. Miller.*

1st R.*, 488.
2nd R.*, 589.
3rd R.*, 634.
Assent, 928.

(31) An Act to incorporate the River Detroit Winter Railway Bridge Co.—*Mr. Sanford.*

1st R.*, 383.
2nd R.*, 433.
3rd R.*, 557.
Assent, 928.

(32) An Act to incorporate the Dominion Plate Glass Insurance Co.—*Mr. Power.*

1st R.*, 453.
2nd R.*, 538.
3rd R., M. (*Mr. Power*), that Amt. be concurred in, agreed to, and B. read a 3rd time and passed, 550.
Assent, 929.

(33) An Act to Amend the Act incorporating the Hereford Branch Railway Company, and to change the name of the Company to "The Hereford Railway Company."—*Mr. Cochrane.*

1st R.*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

(34) An Act respecting the South Norfolk Railway Co.—*Mr. McCallum.*

1st R.*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

(35) An Act to enable the Esquimalt & Nanaimo Railway Company to run a ferry between Beecher Bay in British Columbia to a point on the Straits of Fuca within the United States of America.—*Mr. Clemow.*

1st R*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

(36) An Act respecting the Grand Trunk Railway Company of Canada.—*Mr. Ferrier.*

1st R.*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

(37) An Act respecting the Lake Nipissing & James Bay Railway Co.—*Mr. Ogilvie.*

1st R.*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

(38) An Act to amend the Act respecting Patents of Inventions. —*Mr. Abbott.*

1st R.*, 897.
2nd R.*, 905; discussed, 905-906;
3rd R.*, 906.
Assent, 929.

(39) An Act to amend the Revised Statutes of Canada, chapter ninety-seven, respecting Ferries. —*Mr. Abbott.*

1st R.*, 348.
2nd R., 360; discussed, 361-364; read on division, 364; discussed in Com., 616-618; B. reported without Amts., 618.
3rd R.*, 671.
Assent, 929.

(40) An Act to extend the jurisdiction of the Maritime Court of Ontario. —*Mr. Abbott.*

1st R.*, 897.
2nd R., 906; discussed, 907.
3rd R.*, 907.
Assent, 929.

(41) An Act respecting the application of certain Laws therein mentioned to the Province of Manitoba.—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R.*, and passed, 812.
Assent, 929.

(42) An Act to incorporate the Pontiac & Renfrew Railway Co.— *Mr. Clemow.*

1st R.*, 299.
2nd R.*, 319.
3rd R.*, 323.
Assent, 558.

(43) An Act to amend the Act incorporating the Shuswap & Okanagon Railway Co.—*Mr. Macdonald.*

1st R.*, 250.
2nd R.*, 265.
3rd R.*, 285.
Assent, 558.

(44) An Act respecting Bonds on Branch Lines of the Canadian Pacific Railway Co.—*Mr. Scott.*

1st R.*, 250.
2nd R.*, 265.
3rd R.*, 285.
Assent, 558.

(45) An Act respecting the Ontario & Quebec Railway Company.—*Mr. McKindsey.*

1st R.*, 580.
2nd R.*, 671.
3rd R.* 678.
Assent, 929.

(46) An Act to amend the Act relating to the Manitoba & North-Western Railway Company of Canada.—*Mr. Girard.*

1st R.*, 383.
2nd R.*, 432.
3rd R.*, 469.
Assent, 558.

(47) An Act to amend "The Adulteration Act," chapter one hundred and seven of the Revised Statutes of Canada.—*Mr. Abbott.*

1st R., 382.
2nd R.*, 536.
3rd R, 546; discussed and passed, 546-551.
Assent, 558.

(48) An Act further to amend the law respecting Procedure in Criminal Cases.—*Mr. Abbott.*

1st R.*, 383.
2nd R.*, 537.
3rd R.*, 551.
Assent, 558.

(50) An Act to incorporate the Ottawa, Morrisburg & New York Railway and Bridge Co.

1st R.*, 429.
2nd R, 551; discussed, 551-553.

(51) An Act respecting the Federal Bank of Canada.—*Mr. Macdonald, Midland.*

1st R.*, 323.
2nd R.*, 324.

(52) An Act to amend the Act to incorporate the Maskinongé & Nipissing Railway Co.—*Mr. Ross, de la Durantaye.*

1st R.*, 310.
2nd R.*, 327.
3rd R.*, 330.
Assent, 928.

(53) An Act to make further provision respecting the Brantford, Waterloo & Lake Erie Railway Co.—*Mr. McCallum.*

1st R.*., 324.
2nd R*., 328.
3rd R.*, 348.
Assent, 928.

(54) An Act to incorporate the South-Western Railway Co.—*Mr. McKindsey.*

1st R.*, 383.
2nd R.*, 432.
3rd R., 539; discussed, 539-542; Amt. lost on div'n, and B. read and passed, 542.
Assent, 928.

(59) An Act to grant certain powers to the Nova Scotia Telephone Co. (Limited).—*Mr. Power.*

1st R.*, 382.
2nd R., and discussed, 431.
3rd R*, 542.
Assent, 928.

(60) An Act to amend chapter seven of the Revised Statutes respecting the Department of Public Printing and Stationery.—*Mr. Abbott.*

1st R*, 558.
2nd R.*, 615.
3rd R.*, 714.
Assent, 929.

(61) An Act respecting the St. Catherines & Niagara Central Railway Co.—*Mr. McCallum.*

1st R.*, 539.
2nd R.*, 556.
3rd R., 594; discussed and passed, 595.
Assent, 929.

(62) An Act to incorporate the Grenville International Bridge Co.—*Mr. Ogilvie.*

1st R.*, 429.
2nd R.*, 538.
3rd R.*, 557.
Assent, 928.

(63) An Act to amend the Act relating to the Wood Mountain & Qu'Appelle Railway Co.—*Mr. McLelan.*

1st R.*, 299.
2nd R.*, 320.
3rd R.*, 329.
Assent, 928.

(64) An Act to incorporate the Chatham Junction Railway Co.—*Mr. Lewin.*

1st R.*, 299.
2nd R.*, 320.
3rd R.*, 329.
Assent, 928.

(65) An Act respecting a certain Treaty between Her Britannic Majesty and the President of the United States.—*Mr. Abbott.*

1st R.*, 348.
2nd R, 364; discussed, 364-382; debate adjourned, 382; resumed, 384-399; adjourned, 429; resumed, 433; adjourned, 466; resumed, 469; adjourned, 488; resumed, 493-536.
3rd R., and passed on div'n, 536.
Assent, 558.

(66) An Act to incorporate the St. Lawrence & Adirondack Railway Co.—*Mr. McKindsey.*

1st R.*, 309.
2nd R.*, 323.
3rd R.*, 323.
Assent, 558.

(67) An Act to incorporate the Buffalo, Chippewa & Niagara Falls Steamboat and Tramway Co.—*Mr. Macdonald, Midland.*

1st R.*, 489.
2nd R.*, 546.
3rd R., 557.; discussed and passed as amended, 557-558.
Assent, 929.

(69) An Act to confirm a mortgage given by the Central Railway to the Central Trust Company of New York to secure an issue of their debentures.

1st R.*, 580.
2nd R.*, 635.
3rd R. and passed as amended, 716.
Assent, 929.

(70) An Act to incorporate the Montreal Island Railway Co.—*Mr. Lacoste.*

1st R.*, 327.
2nd R.*, 347.
Rep. from Com., 359.
M. that Amt. be considered, agreed to, 360.
3rd R., discussed, 553-556; B. read 3rd time and passed, 556.
Assent, 928.

(72) An Act to incorporate the New York, St. Lawrence and Ottawa Railway Co.—*Mr. McCallum.*

1st R.*, 556.
2nd R.*, 593.
3rd R.*, 634.
Assent, 929.

(73) An Act respecting the Stanstead, Shefford & Chambly Railway Co.—*Mr. Stevens.*

1st R.*, 580.
2nd R.*, 735.
3rd R , and passed as amended, 740.
Assent, 929.

(74) An Act to amend the Act to incorporate the Kincardine & Teeswater Railway Co.—*Mr. Read.*

1st R.*, 324.
2nd R.*, 329.
3rd R.*, 359.
Assent, 558.

(75) An Act to incorporate the Ottawa & Parry Sound Railway Co.—*Mr. Clemow.*

1st R.*, 327.
2nd R.*, 347.
3rd R.*, 359.
Assent, 558.

(77) An Act to confirm a certain agreement made between the London & South-Eastern Railway Co. and the Canada Southern Railway Co.—*Mr. Vidal.*

1st R.*, 310.
2nd R.*, 323.
3rd R.*, 323.
Assent, 558.

(78) An Act to incorporate the Accident Fire Insurance Company.—*Mr. Botsford.*

1st R.*, 453.
2nd R., 553.
3rd R.*, 559; passed as amended, 560.

(78) An Act to incorporate the Keystone Fire Insurance Co.

2nd R.*, 553.
Rep. (Mr. Vidal) from Com. on Banking and Commerce, with Amts., 559.
M. for Amts. agreed to, 3rd R. passed, 560.
Assent, 929.

(79) An Act to incorporate the Tobique Gypsum and Colonization Railway Co.—*Mr. Howlan.*

1st R.*, 327.
2nd R.*, 347.
3rd R., discussed, 360.
Assent, 928.

(80) An Act to provide for the winding up of the Bank of London in Canada.—*Mr. Macdonald, Midland.*

1st R.*. 687.
2nd R.*, 717.
3rd R., and passed, 741.
Assent, 929.

(82) An Act to incorporate the Annapolis Atlantic Railway Co.—*Mr. Boyd.*

1st R.*, 489.
2nd R.*, 545.
3rd R., as amended, passed, 557.
Assent, 929.

(83) An Act to amend the Act to incorporate the Moncton Harbor Improvement Co.—*Mr. Poirier.*

1st R.*, 383.
2nd R.*, 431.
3rd R.*, 469.
Assent, 558.

(84) An Act respecting the Thousand Island Railway Co.—*Mr. Read.*

1st R.*, 556.
2nd R.*, 593.
3rd R.*, and passed, 635.
Assent, 929.

(86) An Act to authorize the construction of Bridges over the Assiniboine River at Winnipeg and Portage la Prairie for Railway and Passenger purposes.—*Mr. Girard.*

1st R.*, 453.
2nd R.*, 553.
3rd R., 594.
Assent, 928.

(87) An Act to amend "The Consolidated Revenue and Audit Act," chapter twenty-nine of the Revised Statutes of Canada.—*Mr. Abbott.*

1st R.*, 383.
2nd R.*, 537.
3rd R.*, 551.
Assent, 558.

(89) An Act to amend the Dominion Elections Act, chapter eight of the Revised Statutes of Canada.

1st R.*, 758.
2nd R., 797; discussed, 797-799; in Com. 854-879.
M. (*Mr. McInnes, B. C.*), for Amt., Amt. lost on div'n, C., 16: N.C., 31, 879.
3rd R.*, and passed, 879.
Assent, 929.

(90) An Act to amend the Revised Statutes of Canada, chapter one-hundred and eighty-one, respecting Punishments, Pardons and Commutation of Sentences.—*Mr. Abbott.*

1st R.*, 382.
2nd R.*, 429.
3rd R.*, 538.
Assent, 558.

(91) An Act to amend the law relating to Fraudulent Marks on Merchandise.—*Mr. Abbott.*

1st R.*, 489.
2nd R.*, 543.
B. Rep. from Com., 571; discussed, 571-572.
3rd R., and passed as amended, 597.
Assent, 929.

(92) An Act to amend chapter thirty-two of the Revised Statutes respecting the Customs.—*Mr. Abbott.*

1st R., 489.
2nd R., 543; discussed, 543-545; in Com., 623-624; debate resumed, 714-716.
3rd R., and passed, 716.
Assent, 929.

(93) An Act further to amend "The Speedy Trials Act," chapter one-hundred and seventy-five of the Revised Statutes.—*Mr. Abbott.*

1st R.*, 489.
2nd R.*, 545.
3rd R.*, 572.
Assent, 928.

(97) An Act to amend the Act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West.—*Mr. Wark.*

1st R.*, 687,
2nd R*., 717.
3rd R*., 741.
Assent, 929.

(99) An Act to amend the Steamboat

Inspection Act, chapter seventy-eight of the Revised Statutes.—*Mr. Abbott.*

1st R.*, 758.
2nd R.*, 800.
3rd R.*, 879.
Assent, 929.

(101) An Act to make further provisions respecting the granting of a subsidy to the Chignecto Marine Transport Railway Co. (Limited.) —*Mr. Abbott.*

1st R.*, 383.
2nd R. *m.*, 573; discussed, 573-580; debate resumed, 581-589.
2nd R., 589; discussed in Com. and referred to Com. of W. without Amt., 618-622.
3rd R.*, and passed, 623.
Assent, 928.

(102) An Act respecting the Central Ontario Railway.—*Mr. McKindsey.*

M. (*Mr. Read*), that Petition be referred back to Com., agreed to, 493.
1st R.*, 559.
2nd R.*, 616.
3rd R.*, 678.
Assent, 929.

(104) An Act to amend chapter fifty-one of the Revised Statutes of Canada, The Territories Real Property Act.—*Mr. Abbott.*

1st R.*, 814.
2nd R.*, 881.
3rd R.*, 884.
Assent, 929.

(106) An Act further to amend the Indian Act, chapter fifty-three of the Revised Statutes of Canada. —*Mr. Abbott.*

1st R.*, 489.
2nd R.*, 545.
3rd R., Com. of W., 589; discussed and Bill reported without Amt., 589-593.
B. read 3rd time and passed, 598.
Assent, 928.

(108) An Act respecting the advertising of Counterfeit Money.—*Mr. Abbott.*

1st R.*, 559.
2nd R.*, 616.
3rd R.*, 714.
Assent, 929.

(113) An Act to amend chapter one hundred and seventy-eight of the Revised Statutes of Canada, The Summary Convictions Act.

2nd R.*, 800.
In Com. of W. on 3rd R., discussed, 881; 3rd R. and passed, 881.
Assent, 929.

(116) An Act to Amend the Civil Service Act, chapter seventeen of the Revised Statutes of Canada. —*Mr. Abbott.*

1st R., 840.
2nd R.*, 880.
In Com. of W. on 3rd R, discussed, 884-897; resumed, 898-901.
3rd R.*, and passed, 901.
Assent, 930.

(117) An Act further to amend the Revised Statutes, chapter five, respecting the Electoral Franchise —*Mr. Abbott.*

1st R.*, 897.
2nd R., 902; discussed, 902-905.
3rd R.*, and passed, 905.
Assent, 929.

(118) An Act to amend the Weights and Measures Act with respect to the contents of packages of Salt.—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R.*, 812.
Assent, 929.

(119) An Act to amend the Bank Act, chapter one-hundred and twenty of the Revised Statutes of Canada.—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 790.
In Com. of W. on 3rd R; discussed, 881-882.
3rd R.*, and passed as amended, 882.
Assent, 929.

(120) An Act further to amend the Supreme and Exchequer Courts Act, chapter one hundred and thirty-five of the Revised Statutes of Canada.—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R., in Com., 807-808.
Assent, 929.

(121) An Act to amend chapter thirty-three of the Revised Statutes of Canada, respecting duties of Customs.—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R., 812; discussed, 812-813.
Assent, 929.

(122) An Act to amend chapter thirty-four of the Revised Statutes respecting Inland Revenue.—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
Com. of W. on 3rd R., B. Rep. without Amt., 811; 3rd R.*, and passed, 811.
Assent, 929.

(123) An Act further to amend the Criminal Procedure Act.—*Mr. Abbott.*

1st R.*, 846.
2nd R.*, 882.
3rd R.*, 898.
Assent, 929.

(125) An Act to amend the North-West Territories Representation Act.—*Mr Abbott.*

1st R.*, 897.
2nd R.*, 910; in Com. of W. on 3rd R., discussed, 910; 3rd R.*, 911.
Assent, 929.

(126) An Act to amend chapter one hundred and twenty-four of the Revised Statutes respecting Insurance.—*Mr. Abbott.*

1st R.*, 814.
2nd R.*, 882.
In Com. of W. on 3rd R., discussed, 883-884; 3rd R.*, and passed, 884.
Assent, 930.

(127) An Act relating to Interest payable on deposits in Post Office and Government Savings Banks.—*Mr. Abbott.*

1st R.*, 773.
2nd R.*, 796.
3rd R., 808; discussed, 808-811; read 3rd time and passed, 811.
Assent, 929.

(132) An Act respecting a certain agreement between the Government of Canada and the Canadian Pacific Railway Co.—*Mr. Abbott.*

1st R.*, 733.
3rd R., 826; discussed, 826-839; passed, 839.
Assent, 929.

(133) An Act to authorize the raising by way of loan of certain sums of money for the Public Service.—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R., 800; discussed, 800-807.
Assent, 929.

(134) An Act to make further provision respecting the construction of the Ship Channel between Montreal and Quebec.—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R., 814; discussed, 814-825.
Assent, 929.

(135) An Act relating to certain advances made to the Quebec Harbor Commissioners.—*Mr. Abbott.*

In Com. of W. on 3rd R., 880-881; 3rd R. and passed, 881.
Assent, 929.

(136) An Act to amend chapter sixteen of the Revised Statutes respecting the High Commissioner of Canada in the United Kingdom.—*Mr. Abbott.*

1st R.*, 882.
2nd R.*, 897.
In Com. of W. on 3rd R., discussed, 901-902.
3rd R.*, and passed, 902.
Assent, 929.

(137) An Act to amend an Act of the present session intituled An Act respecting the St. Catherines & Niagara Central Railway Co's. Bill.—*Mr. Abbott.*

1st, 2nd and 3rd Rs.*, and passed under suspension of rules, 846.
Assent, 929.

(139) An Act to amend an Act of the present session intituled An Act respecting the Stanstead, Shefford & Chambly Railway Co.—*Mr. Stevens.*

1st, 2nd and 3rd Rs *, 898.
Assent, 929.

(140) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.—*Mr. Abbott.*

1st R.*, 916.
2nd R.*, 916.
In Com. of W., 920-922.
3rd R.*, and passed, 922.
Assent, 930.

Private Bills.

M. (*Mr. Abbott*), that time for presenting petitions be extended from 5th to 24th March; agreed to, 164.
M. (*Mr. Abbott*), that time for presenting petitions be extended from 8th to 24th March; agreed to, 164.
M. (*Mr. Gowan*), that delay for presenting petitions for, be extended from 28th March to 18th April; discussed and M. withdr., 242.
M. (*Mr. Gowan*), that delay for presenting petitions for, be extended from 5th April to 27th April; agreed to, 261.
M. (*Mr. Abbott*), that time for receiving petitions expired 27th April, be extended to 9th May; agreed to, 431.
M. (*Mr. Abbott*), that delay for reception of private bills, which expired 9th May, be extended ten days; agreed to, 677.

Board of Management of Church and Manse Building Fund of Presbyterian Church in Canada for Manitoba and North-West Incorp. Act Amt. B. (97)—*Mr. Wark.*

1st R.*, 687.
2nd R.*, 717.
3rd R.*, 741.
Assent, 929.

Brantford, Waterloo & Lake Erie Railway Co's., Further provision respecting, B. (53)—*Mr. McCallum.*

1st R.*, 324.
2nd R.*, 328.
3rd R.*, 348.
Assent, 928.

British Columbia Experimental Farm.

Inqy. (Mr. McInnes, B.C.), Has Govt. selected site for, 320; answer thereto, (Mr. Abbott), 322.

Bronsons & Weston Lumber Co's. Incorp. B. (27)—*Mr. Clemow.*

1st R.*, 299.
2nd R.*, 320.
3rd R.*, passed as amended, 430.
Assent, 928.

Buffalo, Chippewa & Niagara Falls Steamboat and Tramway Co's. Incorp. B. (67)—*Mr. Macdonald, Midland.*

1st R.*, 489.
2nd R.*, 546.
3rd R.*, 557; discussed and passed as amended, 557-558.
Assent, 929.

Cabinet, reported changes in.

Inqy. (Mr. O'Donohoe) whether there is foundation in newspaper reports that Hon. Frank Smith had resigned, and answer thereto (Mr. Abbott), 248.

Canada & Michigan Tunnel Co's. Incorp B. (8)—*Mr. Casgrain.*

1st R.*, 247.
2nd R.*, 259.
3rd R.*, 259.
Assent, 558.

Canada Southern Railway Co., and Erie & Niagara Railway Co's. B. (9)—*Mr. McCallum.*

1st R.*, 247.
2nd R.*, 259.
3rd R.*, 259.
Assent, 558.

Canada Temperance Act Amt. B. (6)—*Mr. McKindsey.*

1st R.*, 678.
2nd R., 732; in Com., 739; discussed, 739-740.
3rd R.*, 796.
Assent, 929.

Canada Temperance Act Amt. B. (10)—*Mr. Vidal.*

1st R.*, 678.
2nd R., 731; discussed, 731-732; in Com., 735; discussed, 735-739.
3rd R.*, 796.
Assent, 929.

Canadian Pacific Railway Co. and Government of Canada's Agreement B. (132).—*Mr. Abbott.*

1st R.*, 733.
3rd R., 826; discussed, 826-839; passed, 839.
Assent, 929.

Canadian Pacific Railway Co's. Bonds on Branch Lines B. (44)—*Mr. Scott.*

1st R.*, 250.
2nd R.*, 265.
3rd R.*, 285.
Assent, 558.

Cape Tormentine Coast Survey.

M. (*Mr. Botsford*), for returns of Engineers' report on Cape Tormentine coast survey; and agreed to, 243.

Cape Tormentine Pier.

Inqy., what progress has been made in its erection, and when will it be completed (Mr. Botsford), 186; reply (Mr. Abbott), 186; discussed, 187.

Central Ontario Railway's B. (102) —*Mr. McKindsey.*

M. (*Mr. Read*), that Petition be referred back to Com., agreed to, 493.
1st R.*, 559.
2nd R.*, 616.
3rd R.*, 678.

Central Railway Mortgage Confirmation B. (69).

1st R.*, 580.
2nd R.*, 635.
3rd R., and passed as amended, 716.
Assent, 929.

Chatham Junction Railway Co's. Incorp. B. (64)—*Mr. Lewin.*

1st R.*, 299.
2nd R.*, 320.
3rd R.*, 329.
Assent, 928.

Chignecto Marine Transport Railway Co's (Limited) Subsidy, Provisions for Granting, B. (101)—*Mr. Abbott.*

1st R.*, 383.
2nd R. *m.*, 573; discussed, 573-580; debate resumed, 581-589; 2nd R., 589; discussed in Com. and referred to Com. of W. without Amt., 618-622.
3rd R.*, and passed, 623.
Assent, 928.

Chinook Belt & Peace River Railway Co's. Incorp. B. (16)—*Mr. Sanford.*

1st R.*, 320.
2nd R.*, 330.
3rd R.*, 359.
Assent, 558.

Civil Service Act Amt. B. (116)—*Mr. Abbott.*

1st R.*, 840.
2nd R.*, 880.
In Com. of W. on 3rd R. discussed, 884-897; resumed, 901.
Assent, 930.

Civil Service, The.

In debate on the Address, (Mr. Kaulbach), 33.

Collingwood & Bay of Quinte Railway Co's. Incorp. B. (19)—*Mr. McCallum.*

1st R.*, 250.
2nd R.*, 267.
3rd R.*, 285.
Assent, 558.

Colonial Conference at London.

M. (*Mr. Dickey*), for returns of proceedings in the Colonial Conference at London in 1887, relative to Imperial postal and telegraphic communication throughout Canada, 212; agreed to, 213.

Commercial Union.

In debate on the Address (Mr. Abbott), 52.

Consolidated Revenue and Audit Act Amt. B. (87)—*Mr. Abbott.*

1st R.*, 383.
2nd R.*, 537.
3rd R.*, 551.
Assent, 558.

Counterfeit Money, Advertising of B. (108)—*Mr. Abbott.*

1st R.*, 559.
2nd R.*, 616.
3rd R.*, 714.
Assent, 929.

Criminal Cases, Procedure Amt. B. (48)—*Mr. Abbott.*

1st R.*, 383.
2nd R.*, 537.
3rd R.*, 551.
Assent, 558.

Criminal Procedure Act Amt. B. (123)—*Mr. Abbott.*

1st R.*, 846.
2nd R., 882.
3rd R.*, 898.
Assent, 929.

Customs, Revised Statutes, chap. thirty-two, Amt. B. (92).

1st R.*, 489.

2nd R., 543; discussed, 543-545; in Com., 623-624: debate resumed, 714-716.
3rd R.*, and passed, 716.
Assent, 929.

Defective Letters Patent and Discharge of Securities to Crown Act Amt. B. (4)—*Mr. Abbott.*

1st R.*, 356.
2nd R.*, 360.
M. (*Mr. Abbott*), that B. be read at length at the table; agreed to, 537; discussion, 537-538.
3rd R.*, and passed as amended, 556.
Assent, 929.

Destitution among the Indians.

Inqy. (Mr. Girard), whether Govt. has taken steps to put an end to it in N. W. Territories, and whether Indians of Lake Ste. Anne are dying of hunger, 348; discussed, 351-354; and answered (Mr. Abbott), 354.

Divisions.

Divorce, Committee to form New Rules, Orders and Forms.

On M. (*Mr. Gowan*), that 2nd Rep. of Com. be concurred in, 293; div'n on Amt. (*Mr. Almon*), negatived, (C. 19: N.C., 31), 299.

Dominion Elections Act Amt. B. (89).

On M. (*Mr. McInnes, B.C.*), to refer B. back to Com. on 3rd R., to the end that a new clause be inserted, negatived, (C., 16: N.C., 31), 879.

Hart (Tudor) Divorce Case (F).

On M. that Rep. of Com. on 72nd Rule be referred back to Com., carried, on a div'n (C., 34: N.C., 23), 174.
On M. (*Mr Ogilvie*) to adopt Rep. from Com., carried on div'n, (C., 32: N..C., 20), 670.
On M. (*Mr. Ogilvie*) to adopt 4th Rep. of Com. so far only as related to this B., 72nd Rule not being complied with; carried on div'n, (C., 34: N.-C., 23.), 174.

Morrison Divorce Case B. (H).

On M. (*Mr. Almon*), that Petitioner be allowed to proceed *in formâ pauperis;* carried on div'n, (C., 38: N.-C., 19), 287.

Upper Ottawa Improvement Co's. B. (20)—*Mr. Haythorne.*

On 3rd R. Mr. Clemow's Amt. (advertisement in *Canada Gazette* and another newspaper); Amt. negatived, (C., 13: N.C., 29), 684.

Divorce, Committee on.

M. (*Mr. Abbott*), naming members of Com., 322; discussed, 322-323.

Divorce Proceedings.

M. (*Mr. Gowan*), for Special Com. to frame Rules and Orders in Divorce Proceedings, 55; discussed, 68-75; Agreed to, 75.
M. (*Mr. Gowan*) to appoint Com. to frame Rules and Orders, 112; agreed to, 112.
M. (*Mr. Gowan*), that 2nd Rep. of Com. be concurred in, 293; discussed, 294-299; debate resumed, 300-306; in Com., 306-309.
Amt. (*Mr. Almon*), 307; Amt. agreed to on div'n, 309; Rep. adopted, 309.

Dominion Elections Act Amt. B. (89).

1st R.*, 758.
2nd R., 797; discussed, 797-799; in Com., 854-879.
M. (*Mr. McInnes, B. C.*), for Amt.; Amt. lost on div'n (C., 16: N.-C., 31), 879.
3rd R.*, and passed, 879.
Assent, 929.

Dominion Lands Act Amt. B. (L)—*Mr. Abbott.*

1st R.*, 564.
2nd R.*, 676; discussed and passed, 676-677.
Assent, 929.

Dominion Plate Glass Insurance Co's. Incorp. B. (32)—*Mr. Power.*

1st R.*, 453.
2nd R.*, 538.
3rd R.; M. (*Mr. Power*), that Amt. be concurred in, agreed to and B. read 3rd time and passed, 559.
Assent, 929.

Dominion Savings Bank in British Columbia.

Inqy (Mr. McInnes,) Is it intention of Govt. to substitute P. O. Savings Bank for Dominion Savings Bank in British Columbia, 638; discussed, 638-640.

Duties of Customs, chap. thirty-three Revised Statutes Amt. B. (121)—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R.*, 812; discussed, 812-813.
Assent, 929.

Easter Holidays.

M. (*Mr. Abbott,*) that when House adjourns 28th March it stand adjourned till 4th April, 223; agreed to, 213.

Eastern Assurance Co. of Canada's Incorp. B. (22)—*Mr. Power.*

1st R.*, 324.
2nd R.*, 328.
3rd R.*, 429.

Election Laws.

In debate on the Address (Mr. Ross), 7; (Mr. Sanford), 8; (Mr. Kaulbach), 33; (Mr. Almon), 43; (Mr. Haythorne), 47.

Electoral Franchise Amt. B. (117)—*Mr. Abbott.*

1st R.*, 897.
2nd R., 902; discussed, 902-905.
3rd R.*, and passed, 905.
Assent, 929.

Employment of A. F. Wood.

Inqy. (Mr. Flint), whether A. F. Wood, Esq., of Madoc, is still employed in Dept of Rys. and Canals, 562; discussion, 562-563; answer thereto (Mr. Abbott), 563.

Esquimalt & Nanaimo Railway Co's. Ferry B. (35)—*Mr. Clemow.*

1st R.*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

Exhibition at Paris, the Universal.

Inqy (Mr. Pelletier) whether France had invited Canada to participate, and answer thereto (Mr. Abbott), 243.

Experimental Farm, British Columbia.

See *British Columbia.*

Experimental Farm, Manitoba.

See *Manitoba.*

Experimental Farms.

In debate on the Address (Mr. Ross), 6.

Explanation (Mr. Alexander) that no disrespect to ex-Mayor Howland was intended in his remarks.

273.

Extradition Treaty, the.

In debate on the Address (Mr. Scott), 16.

Federal Bank of Canada's B. (51)—*Mr. Macdonald (Midland).*

1st R.*, 323.
2nd R.*, 324.

Ferries Act Amt. B. (39)—*Mr. Abbott*

1st R.*, 348.
2nd R., 360; discussed, 361-364; read on div'n, 364; discussed in Com., 616-618; Bill reported without Amts., 618.
3rd R.*, 671.
Assent, 929.

Fisheries Treaty B. (65)—*Mr. Abbott*

1st R.*, 348.
2nd R., 364; discussed, 364-382; debate adjourned, 382; resumed, 384-399; adjourned, 429; resumed, 433; adjourned, 466; resumed, 469; adjourned, 488; resumed, 493-536.
3rd R., and passed on division, 536.
Assent, 558.

Fisheries Treaty.

In debate on the Address (Mr. Ross), 7; (Mr. Sanford), 8; (Mr. Scott), 10-15; (Mr. Power), 24-28; (Mr. Kaulbach), 29; (Mr. Dickey), 35-38; (Mr. McInnes, B.C.), 39; (Mr. Abbott), 49-52.

Gaming in Stocks and Merchandise B. (G)—*Mr. Abbott.*

1st R.*, 247.
2nd R., 252; discussed, 252-259.
In Com. on 3rd R., 267-269; 3rd R. passed, 269.
M. (*Mr. Abbott*), that Commons Amts. be concurred in, agreed to, 796.
Assent, 929.

Governor-General's Office, expenses of.

M. for Return (*Mr. O'Donohoe*), reply to, (Mr. Abbott), 177; remarks (Mr. Power), 177; M. withdr., 178.
M. (*Mr. O'Donohoe*), for Return shewing amount it has cost Canada to maintain the office from Confederation to 1st June, 1888, 287; discussed, 287-288; agreed to, 288.

Grand Trunk Railway Co. of Canada's B. (35)—*Mr. Ferrier.*

1st R.*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

Grand Trunk Railway Co. of Canada, Canada Southern Railway Co. and London & Port Stanley Railway Co's confirmation of Agreement B. (26)—*Mr. Vidal.*

1st R.*, 310.
2nd R.*, 328.
3rd R.*, 323.
Assent, 558.

Great Mackenzie Basin, commercial and agricultural resources of.

Inqy. and Remarks (Mr. Schultz), 213-225; remarks (Mr. Girard), 225; (Mr. Turner), 227; (Mr. Sanford), 229; (Mr. Alexander), (Mr. Howlan), 230; (Mr. Kaulbach), 233; (Mr. O'Donohoe), 233; (Mr. Power), 234; (Mr. Abbott), 239.
M. (*Mr. Schultz*), that Rep. of Com. recommending employment of extra clerk be adopted, 248; agreed to, 248.
M. (*Mr. Schultz*), that 2nd Rep. of Com. be considered, 261; agreed to, 261.
M. (*Mr. Schultz*), that 1st Rep. of Com. be adopted, 269; discussed, 269-272; agreed to, 273.
M. (*Mr. Schultz*), that 3rd Rep. of Com. be adopted, and agreed to, 293.
M. for 3rd Rep. from Com. (*Mr. Schultz*), 542; discussed, 542-543; agreed to, 543.
M. to adopt 3rd Rep. from Com. (*Mr. Schultz*), 564; discussed, 564-571; debate adjourned, 571.
M. (*Mr. Schultz*), for adoption of 4th Rep. from Com., 593; discussed, 593-594; agreed to, 594.
3rd Rep. of Com. discussed, 691-714; adopted, 714.
An explanation (Mr. Schultz), 907.
Seventh Rep. of Com. presented (Mr. Schultz), 912; discussed and adopted, 912.

Great Western & Lake Ontario Shore Junction R. R. Co's. Act Amt. B. (18)—*Mr. Vidal.*

1st R.*, 247.
2nd R.*, 259.
3rd R.*, 259.
Assent, 558.

Great North-West Central Railway Co's. confirmation of charter B. (25)—*Mr. Clemow.*

1st R.*, 324.
2nd R.*, 328.
3rd R.*, 348.
Assent, 928.

Grenville International Bridge Co's. Incorp. B. (62)—*Mr. Ogilvie.*

1st R.*, 429.
2nd R.*, 538.
3rd R.*, 557.
Assent, 928.

Guimond Affair, the

Inqy. (Mr. Bellerose), when will there be return to address moved for, 912; answer (Mr. Abbott), 912.

Harbor, Port Burwell.

See *Port Burwell.*

Hart Divorce Bill.

See *Tudor Divorce Bill (F).*

Hereford Branch Railway Co's. Incorp. Act Amt. B. (33)—*Mr. Cochrane.*

1st R.*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

High Commissioner for Canada Amt. B. (136)—*Mr. Abbott.*

1st R.*, 882.
2nd R.*, 897.
In Com. of W. on 3rd R., discussed, 901-902; 3rd R.*, and passed, 902.
Assent, 929.

Hydraulic Leases at Ottawa.

M. (*Mr. Clemow*), for returns shewing names of lessees of Chaudiere Falls, agreed to, 556.

Imperial Federation.

In debate on the Address (Mr. Armand), 16-24; (Mr. Girard), 40-42.

Indian Act, chap. forty-three Revised Statutes, Amt. B. (106)—*Mr. Abbott.*

1st R.*, 489.
2nd R.*, 545.
3rd R., Com. of W., 589; discussed and B. reported without Amt., 589-593; B. read 3rd time and passed, 598.
Assent, 928.

Indian Affairs in British Columbia.

M. (*Mr. Macdonald, B.C.*), for returns of corresp. between Superintendent and the Government on industrial schools for Indians in

British Columbia, 640; discussed, 640-645; agreed to, 645.

Inland Revenue, chap. thirty-four Revised Statutes Amt. B. (122)—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
Com. of W. on 3rd R., B. reported without Amt., 811; 3rd R.*, and passed, 811.
Assent, 929.

Insurance, chap. one hundred and twenty-four Revised Statutes, Amt. B. (126)—*Mr. Abbott.*

1st R.*, 814.
2nd R.*, 882.
In Com. of W. on 3rd R., discussed, 883-884; 3rd R.*, and passed, 884.
Assent, 930.

Irving Divorce B. (I)—*Mr. Macdonald, Midland.*

1st R.*, 323.
M. for 2nd R., with certain preliminaries, agreed to on div'n, 324; certificates of notice laid on table, and M. (*Mr. Macdonald, Midland*), that H. is satisfied with proof, agreed to on div'n, 538.
M. that Petitioner be examined, agreed to on div'n, 539.
M. (*Mr. Macdonald, Midland*), that Rep. of Com. be adopted, agreed to, 671.
3rd R.*, passed, 671.
Assent, 929.

Jubilee of Her Majesty.

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Judges of Provincial Courts Act Amt. B.

Assent, 930.

Keystone Fire Insurance Co's Incorp. B. (78)

2nd R.*, 553.
Rep. (Mr. Vidal), from Com. on Banking and Commerce, with Amts., 559.
M. for Amts. agreed to, 3rd R., passed, 560.
Assent, 929.

Kincardine & Teeswater Railway Co's. Act Amt. B. (74)—*Mr. Read.*

1st R.*, 324.
2nd R.*, 329.
3rd R.*, 359.
Assent, 558.

"La Banque Nationale," Reduction of Capital Stock B. (23)—*Mr. Bolduc.*

1st R., 323.
2nd R.*, 324.
3rd R.*, 327.
Assent, 558.

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1st R.*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

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M. (*Mr. Abbott*), of address to Lord and Lady Lansdowne on the occasion of their departure from Canada, 840; remarks, (Mr. Abbott) 841; (Mr. Scott) 842; (Mr. Dickey) 843; (Mr. Pelletier) 844; (Mr. Alexander) 844-845.
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Lansdowne, Lord, departure, eulogium.

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Library of Parliament, the.

M. (*Mr. Miller*), to adopt 2nd Rep. of Com. on the Library of Parliament, 883; discussed, and M. agreed to, 883.

Loan of Money for the Public Service B. (133)—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R., 800; discussed, 800-807.
Assent, 929.

London & South-Eastern Railway Co. and Canada Southern Railway Co's Confirmation of Agreement B. (77)—*Mr. Vidal.*

1st R.*, 310.
2nd R.*, 323.
3rd R.*, 323.
Assent, 558.

Mail aud Passenger Communication with the West Indies.

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Mail Service, the Atlantic.

M. (*Mr. Power*), for returns of copies of advertisements since 1st April, 1877, for tenders for carrying mails between Great Britain and Canada, and tenders received, 187; discussion, 187-195.

Manitoba & North-Western Railway Company of Canada's Act Amt. B. (46)—*Mr. Girard.*

1st R.*, 383.
2nd R.*, 432.
3rd R.*, 469.
Assent, 558.

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1st R.*, 897.
2nd R., 906; discussed, 907.
3rd R.*, 907.
Assent, 929.

Maskinonge & Nipissing Railway Co's Incorp. Act Amt. B. (52)—*Mr. Ross, de la Durantaye.*

1st R.*, 310.
2nd R.*, 327.
3rd R.*, 330.
Assent, 928.

Merchants' Marine Insurance Co. of Canada's relinquishing of charter and winding up B. (11)—*Mr. Ferrier.*

1st R., 324.
2nd R.*, 360.
3rd R.*, passed as amended, 430.
Assent, 928.

Middleton Divorce B. (K)—*Mr. Clemow.*

Petition for B., 212.
1st R.*, and notice of service, 733.
M. (*Mr. Clemow*), that H. is satisfied with proofs, agreed to on div'n, 733.
M. (*Mr. Clemow*), for 2nd R., agreed to on div'n, 733.
M. that B. be referred to Com., 734; discussion, 734-735; Rep. of Com. presented and discussed, 840.
M. (*Mr. Dickey*), that Rep. be referred back to Com., agreed to, 898.
M. (*Mr. Dickey*), to adopt Rep. of Com. agreed to on div'n, 911.

Mill Refuse in the Ottawa River.

M. and Inqy. (*Mr. Clemow*), for returns shewing position of Ottawa River in reference to sawdust, etc., and whether it is intention of Govt. to take steps with relation to the obstructions, 560.
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Moncton Harbor Improvement Co's. Incor. Act Amt. B. (83) *Mr. Poirier.*

1st R.*, 383.
2nd R.*, 431.
3rd R.*, 469.
Assent, 558.

Montreal & Quebec Ship Channel B. (134)—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R., 814; discussed, 814-825.
Assent, 929,

Montreal Harbor Improvements.

M. (*Mr. Ogilvie*), for return of copies of petitions, etc., respecting channel debt and improvements of harbor, agreed to, 259.

Montreal, inundation of.

Inqy. (Mr. DeBoucherville), and answer (Mr. Abbott), 247.

Montreal Island Railway Co's. Incorp. B. (70)—*Mr. Lacoste.*

1st R.*, 327.
2nd R.*, 347; Rep. from Com., 359.
M. that Amt. be considered, agreed to, 360.
3rd R., 553; discussed, 553-556; B. read 3rd time and passed, 556.
Assent, 928.

Morrison Divorce B. (H)—*Mr. Gowan.*

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M. (*Mr. McKindsey*), that Petitioner be examined, agreed to on div'n, 489.
M. to consider Rep. of Com. (*Mr. McKindsey*), agreed to, 559.
M. (*Mr. McKindsey*), to adopt Rep., agreed to on div'n, 671.
3rd R.*, passed, 671.
Assent, 929.

Nisbet Academy of Prince Albert's Incorp. B. (15)—*Mr. Ogilvie.*

1st R.*, 383.
2nd R.*, 429; discussed, 432.
M. (*Mr. Gowan*), for 3rd R. without Amt., 490; discussed, 490-493; 3rd R.*, 493.
Assent, 928.

New York, St. Lawrence & Ottawa Railway Co's. Incorp. B. (73)—*Mr. McCallum.*

1st R*, 556.
2nd R.*, 593.
3rd R*, 634.
Assent, 929.

North-West Territories, improvement of the government of.

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North-West Territories Representation Act Amt. B. (125)—*Mr. Abbott.*

1st R.*, 897.
2nd R.*, 910.
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Assent, 929.

North-West Territories' Revised Statutes Amt. B. (.)

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2nd R., discussed in Com. of W., 916-917.
3rd R.*, 917.
Assent, 929.

Nova Scotia Telephone Co's. (Limited) B. (59)—*Mr. Power.*

1st R.*, 382.
2nd R., and discussed, 431.
3rd R.*, 542.
Assent, 928.

Ontario & Quebec Railway Co's. B. (45)—*Mr. McKindsey.*

1st R.*, 580.
2nd R.*, 671.
3rd R.*, 678.
Assent, 929.

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1st R.*, 327.
2nd R.*, 347.
3rd R.*, 329.
Assent, 558.

Ottawa, Morrisburg & New York Railway & Bridge Co's. Incorp. B. (50.

1st R.*, 429.
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Ottawa River Works.

M. (*Mr. Clemow*), for returns shewing cost of construction of various works for descent of timber, etc., to 30th June, 1887, 249; agreed to, 250.

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M. (*Mr. Read*), that 5th Rep. of Com. on Printing of Parliament be adopted, agreed to, 797.

Patents of Invention Act Amt. B. (38)—*Mr. Abbott.*

1st R.*, 897.
2nd R.*, 905; discussed, 905-906.
3rd R.*, 906.
Assent, 929.

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M. (*Mr. McInnes, B.C.*), that pauper immigration should be discour aged, and our present population encouraged, 742; discussed, 743-758; debate resumed, 758-796; M. withdr., 796.

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Plumb, Hon. Josiah Burr, decease of.

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Pontiac & Renfrew Railway Co's. Incorp. B. (42)—*Mr. Clemow.*

1st R.*, 299.
2nd R.*, 319.
3rd R.*, 323.
Assent, 558.

Pontiac & Pacific Junction Railway.

M. (*Mr. Trudel*), for returns shewing resolutions, correspondence, etc., on the granting subsidy to Pontiac and Pacific Junction Railway, agreed to, 597.

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2nd R.*, 241.
3rd R.*, 241.
Assent, 558.

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M. (*Mr. Alexander*), drawing attention to painting representing Sir David McPherson, 684; M. discussed, 684-685.

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M. for returns of proceedings concerning Imperial postal and telegraphic communication throughout Canada (Mr. Dickey) 212; Agreed, 213.

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1st R.*, 733.
2nd R.*, 796.
3rd R., 808; discussed, 808-811; read 3rd time and passed, 811; Assent, 929.

Prince Edward Island Sub-way.

M. (*Mr. Howlan*), for returns of plans and reports of last survey between Cape Traverse, P. E. I., and Cape Tormentine, N.B., and agreed to, 241.

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1st R.*, 733.
2nd R.*, 796.
3rd R., and passed, 812.
Assent, 929.

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1st R.*, 558.
2nd R.*, 615.
3rd R.*, 714.
Assent, 929.

Punishments, Pardons and Commutation of Sentences, Revised Statutes, Amt. B. (90) —*Mr. Abbott.*

1st R.*, 382.
2nd R.*, 429.
3rd R.*, 538.
Assent, 558.

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Inqy. (Mr. McInnes, B.C.), whether statement in Ottawa *Free Press*, that vessel with clear bill of health had been quarantined, was true; reply (Mr. Abbott), 325.

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In Com. of W., on 3rd R., 880-381; 3rd R., and passed, 881.
Assent, 929.

Railway Crossings at Toronto.

Inqy. (Mr. Macdonald, Midland), Has order been made to erect gates at street crossings in Toronto, and has G. T. Ry. erected such gates, 687; answer thereto, (Mr. Abbott), 687.

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1st R.*, 916.
2nd R.*, 916; in Com. of W., 920-922.
3rd R.*, and passed, 922.
Assent, 930.

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1st R.*, 912.
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3rd R.*, and passed, 926.
Assent, 930.

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Inqy. (Mr. McInnes), When is it intended to have Pacific and Prairie sections represented in Cabinet, 635; discussed, 636-638; answer (Mr. Abbott), 638.

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River Detroit Winter Railway Bridge Co's. Incorp. B. (31) —*Mr. Sanford.*

1st R.*, 383.
2nd R.*, 433.
3rd R.*, 557.
Assent, 928.

River St. Clair Railway Bridge and Tunnel Co's. B. (17)—*Mr. McCallum.*

1st R*, 250.
2nd R.*, 267.
3rd R.*, and passed, 285.
Assent, 558.

Rolland, the late Hon. Mr.

Eulogium (Mr. Abbott), (Mr. Lacoste), 185.

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Petition to present B. received, 327.
1st R., and M. for suspension of 61st Rule, agreed to, 383.
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M. (*Mr. Macdonald, Midland*), for returns of copies of petitions, etc., relating to Sabbath Observance, from 1881 to 1888, 310; remarks (Mr. Alexander), 314; (Mr. Haythorne), 316.

Sackville River Fishery.

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1st R.*, 733.

2nd R.*, 796.
3rd R.*, 812.
Assent, 929.

Saw-dust in Ottawa River.

M. (*Mr. Miller*), that Rep. of Com. be adopted, 846; discussed, 846-853; M. agreed to and Rep. adopted, 853. See *Mill Refuse.*

Saw-dust Nuisance.

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Seizures in Behring Sea.

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M. (*Mr. Read*) to adopt 2nd Rep. of Com., 853; M. agreed to and Rep. adopted, 853.

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M. (*Mr. Alexander*), that Address be presented to H. M. to allow Senate to elect Speaker; withdr, 324.

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1st R.*, 250.
2nd R.*, 265.
3rd R.*, 285.
Assent, 558.

South Norfolk Railway Co's. B. (34)—*Mr. McCallum.*

1st R.*, 250.
2nd R.*, 266.
3rd R.*, 285.
Assent, 558.

South-Western Railway Co's. Incor. B. (54)—*Mr. McKindsey.*

1st R.*, 383.
2nd R.*, 432.
3rd R., 539; discussed, 539-542; Amt. lost on division and B. read and passed, 542.

Assent, 928.

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Speedy Trials Act, Revised Statutes chap. one hundred and seventy-five, Amt. B. (93)—*Mr. Abbott.*

1st R.*, 489.
2nd R.*, 545.
3rd R.*, 572.
Assent, 928.

Stanstead, Shefford & Chambly Railway Co's. B. (73)—*Mr. Stevens.*

1st R.*, 580.
2nd R.*, 735.
3rd R., and passed as amended, 740.
Assent, 929.

Stanstead, Shefford & Chambly Railway Co's. Act Amt. B. (139)—*Mr. Stevens.*

1st, 2nd and 3rd Rs*, 898.
Assent, 929.

St. Catherines & Niagara Central Railway Co's. B. (61)—*Mr. McCallum.*

1st R.*, 539.
2nd R *, 556.
3rd R., 594; discussed, and passed, 595.
Assent, 929.

St. Catherines & Niagara Central Railway Co's. Act Amt. B. (137)—*Mr. Abbott.*

1st, 2nd and 3rd Rs.*, and passed under suspension of rules, 846.
Assent, 929.

Steamboat Inspection Act, chap. seventy-eight Revised Statutes, Amt. Act B. (99)—*Mr. Abbott.*

1st R.*, 758.
2nd R.*, 800.
3rd R.*, 879.
Assent, 929.

St. Lawrence & Adirondack Railway Co's. Incorp. B. (66)—*Mr. McKindsey.*

1st R.*, 309.
2nd R.*, 323.
3rd R.*, 323.
Assent, 558.

St. Vincent de Paul Penitentiary.

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M. (*Mr. Bellerose*) for return of letters, etc., concerning troubles in St. Vincent de Paul Penitentiary, agreed to, 108.
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M. (*Mr. Bellerose*), for return of copies of letters, etc., agreed to, 328.

Sub-marine Telegraph Cables, Preservation of B. (C)—*Mr. Abbott.*

1st R.*, 180.
2nd R.*, 247; discussed in Com., 250-252; 3rd R., discussed and passed, 276-284.
Assent, 928.

Summary Convictions Act Amt. B. (113.)

2nd R.*, 800.
In Com. of W. on 3rd R., discussed, 881; 3rd R.*, and passed, 881.
Assent, 929.

Supply Bill.

Rep. from House of Commons (The Speaker), 930.
Assent, 930.

Supreme and Exchequer Courts Act Amt. B. (120)—*Mr. Abbott.*

1st R.*, 733.
2nd R.*, 796.
3rd R., in Com., 807-808.
Assent, 929.

Territories Real Property Act, chap. fifty-one Revised Statutes, Amt. B. (104)—*Mr. Abbott*

1st R.*, 814.
2nd R.*, 881.
3rd R.*, 884.
Assent, 929.

Thousand Island Railway Co's. B. (84)—*Mr. Read.*

1st R.*, 556.
2nd R.*, 593.
3rd R.*, and passed, 635.
Assent, 929.

Tobique Gypsum & Colonization Railway Co's. Incorp. B. (79)—*Mr. Howlan.*

1st R., 327.
2nd R.*, 347.
3rd R., discussed, 360.
Assent, 928.

Toronto Board of Trade Acts Amt. B. (D)—*Mr. Macdonald.*

1st R.*, 185.
2nd R.*, 241.
3rd R.*, 328.
Assent, 929.

Town of Kincardine Harbor Tolls B. (30.)

1st R.*, 488.
2nd R.*, 589.
3rd R.*, 634.
Assent, 928.

Trent Valley Canal, the.

M. for return of moneys paid to A. F. Wood (*Mr. Flint*), 184; agreed to, 185.

Tudor Divorce B. (F)—*Mr. Gowan.*

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1st R.*, 243.
M. for 2nd R., 12th April, agreed to on div'n, 243; 2nd R., 318; proceedings, 318-319.
M. for adoption of Rep. (*Mr. Ogilvie*), 598; discussed, 598-615; debate resumed, 645-670; M. agreed to on div'n (C., 32: N.-C., 20), 670.
M. for 3rd R. (*Mr. Ogilvie*), 670; discussed, 670-671; 3rd R.*, 671.
Assent, 929.

Upper Ottawa Improvement Co's. B. (20)—*Mr. Haythorne.*

1st R.*, 559.
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3rd R.*, and passed, 684.
Assent, 929.

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Welland Canal, the.

M. (*Mr. McCallum*), for returns shewing expenditure on Welland Canal from 1870 to 1888, etc., 208, agreed to, 209.

Western Ontario Railway Co's. Incorp. B. (14)—*Mr. McKindsey.*

1st R.*, 250.
2nd R.*, 267.
3rd R.*, 285.
Assent, 558.

West India Mail and Passenger communication.

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